



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive.
Sacramento, CA 95826-3200



Gavin Newsom
Governor

DTSC Guidance for Removal of Hazardous Materials from Off-Highway Emergency Response Incidents

EMERGENCY REMOVAL ACTIONS

California Health and Safety Code (H&SC), Section 25354 provides funding for the purpose of taking immediate corrective action necessary to remedy or prevent an emergency resulting from a fire or an explosion of, or human exposure to, hazardous substances caused by the release or threatened release of a hazardous substance.

The California Department of Toxic Substances Control (DTSC) Emergency Response Unit (ERU) responds statewide to calls from local agencies requesting assistance at hazardous material (HazMat) Off-Highway incidents to remove and dispose of hazardous substances. These requests include responses to:

- Abandoned hazardous substances
- Uncontrolled or threatened releases of hazardous substances
- Hazardous substance spills involving an unknown responsible party (RP), or
- Incidents requiring stabilization or mitigation to prevent potential emergencies

Contact the DTSC Emergency Response Duty Officer (ERDO) to request removal actions or other assistance.

REQUESTING DTSC ASSISTANCE

Local health, environmental health, fire, or law enforcement agencies may request DTSC assistance to remove and dispose of hazardous materials from off-highway incidents. A business or private citizen should contact one of these local agencies to communicate their concern regarding hazardous materials, an emergency hazardous materials incident, or abandoned hazardous materials.

Regular Business Hours

During regular business hours, Monday through Friday (between 8:00 AM and 5:00 PM), local agencies request DTSC assistance by contacting the daytime ERDO at (916) 255-6504 or (800) 260-3972.

After Regular Business Hours, Weekends, and Holidays

After regular business hours (between 5:00 PM and 8:00 AM), and on weekends and holidays, local agencies request DTSC assistance by calling the California Governor's Office of Emergency Services (Cal OES), California State Warning Center (CSWC) at (916) 845-8911 or (800) 852-7550. The Cal OES CSWC will contact the after-hours ERDO who will then contact the local agency.

REQUIRED INFORMATION

Before requesting assistance, local agencies should:

1. Determine if the materials are hazardous wastes or hazardous substances.
2. Perform hazard categorization (HAZCAT) tests on the materials, identifying or categorizing the hazards present. State funding qualification requires that the materials exhibit at least one of the following characteristics or criteria:
 - a. Toxicity
 - b. Corrosivity (a pH of 12.5 or higher, or a pH of 2.0 or less)
 - c. Reactivity to air or water
 - d. Flammability
 - e. Explosivity
 - f. Poses a serious hazard to human health or the environment
3. Determine whether any containers are leaking, and if so, the quantity released
4. Inventory the materials requiring removal, including the:
 - a. Approximate quantity
 - b. Chemical name or type (hazard class)
 - c. Number, size, and condition of containers, and
 - d. If any contaminated soil, the approximate quantity, or surface area
 - e. Determine the incident location relative to waterways, public access, and nearest population
5. Determine whether the property is publicly or privately owned. (See the Section entitled "SPECIAL POLICIES – GOVERNMENT LAND")
6. Gather all available information regarding the RP.
7. Determine whether the RP (if known) is able or willing to pay. Note: An attempt must be made to contact the RP (if known) and inform them of their responsibility to pay.
8. Determine whether the incident would be more appropriately handled and/or funded by another agency (See the Section entitled "Alternative Assistance"). If you are unsure or have questions about alternative funding sources, contact the ERDO.

THE DTSC EMERGENCY RESPONSE DUTY OFFICER

The local on-scene response personnel must attempt to identify the materials involved by field testing (HAZCAT) or observation. If the local agency cannot accomplish this task, the ERDO may dispatch a contractor to perform such, but will not assist further if the materials do not exhibit one or more of the HAZCAT characteristics specified in number 2 under “INFORMATION REQUIRED” above.

DTSC’s ERU does not conduct removals in non-emergency situations. The ERDO only authorizes removal and disposal actions for those hazardous materials:

- Meeting one or more criteria specified in this guidance document, and
- Posing a threat to human health or the environment.

If the local agency is unsure whether a situation warrants a removal action:

- Contact the ERDO
- Provide the required information, and
- Allow the ERDO to determine eligibility.

After evaluating the required information, if the ERDO determines the incident qualifies for DTSC assistance and the local agency is eligible to receive DTSC ERU removal and disposal assistance, then the:

1. ERDO contacts and dispatches a contractor to perform the removal and disposal actions. This not a reimbursement program. Local agencies that directly contact a contractor and dispatch them on their own are responsible for any costs incurred.
2. ERDO establishes the contractor’s scope of work. Only the ERDO approves changes to such. DTSC will not pay for unauthorized work.
3. ERDO provides the local agency an Emergency Response Expenditure Report (ERER) number that must appear on all documentation submitted to DTSC.
4. ERDO determines if the incident exceeds DTSC’s capability and resources; and, if so, the ERDO contacts and requests assistance from the U.S. Environmental Protection Agency (US EPA).
5. ERDO determines if the local agency needs DTSC technical assistance, and if so, the ERDO contacts and coordinates appropriate DTSC staff involvement in the response. DTSC ERU does not perform site mitigation or remediation activities. If the ERDO determines the local agency requires state assistance in performing such, the ERDO refers the request to the appropriate DTSC office.

REQUIRED DOCUMENTATION

When receiving DTSC ERU assistance, the local agency must provide on-scene oversight and removal action documentation. The local agency must complete and sign the following documents:

- Off-Highway Emergency Removal Incident Report (ERIR), and
- Off-Highway Emergency Removal Work Log (ERWL).

For incidents not involving drug lab waste, the local agency is the Generator. On the Hazardous Waste Manifest (Manifest) the local agency must write or type the local agency's main office phone number on lines 3 and 5, and the local agency's name and mailing address on line 5. Lastly, the local agency must sign on line 15 as the Generator.

DTSC is not the Generator for Off-Highway incidents, therefore DTSC should not appear on lines 3, 5, or 15.

Within 10 working days of the initial request for DTSC assistance, the local agency must mail to DTSC the ERIR, ERWL, and any other documentation to:

Department of Toxic Substances Control
Emergency Response Unit
8800 Cal Center Drive
Sacramento, California 95826

SPECIAL POLICIES

Alternative Assistance

Call Cal OES CSWC at (916) 845-8911 or (800) 852-7550 if the incident involves:

- A release to fish or wildlife habitat, and request assistance from the California Department of Fish and Wildlife, Fish and Wildlife Pollution Duty Officer.
- An oil spill, and request assistance from the California Department of Fish and Wildlife, Oil Spill Prevention and Response Duty Officer.
- A release to surface or ground water, and request assistance from the California State Water Resources Control Board, Water Pollution Cleanup and Abatement Duty Officer.
- A release on a State highway, or within the State highway right-of-way, and request assistance from the California Department of Transportation.
- Radioactive materials, and request assistance from the California Department of Public Health (CDPH) Radiologic Health Branch Duty Officer. DTSC does not handle radioactive wastes.
- Infectious waste, and request assistance from the CDPH Duty Officer.

EPA Identification Numbers

The local agency, receiving DTSC ERU removal and disposal assistance, must include an EPA Identification (EPA ID) number on the Manifest. Normally, the local agency uses the County's Emergency EPA ID number having the format: CAS 111 111 0XX; whereas the "XX" represents the County Number, between 1 and 58. The ERDO provides this number to both the local agency and the contractor.

If an RP, conducting an emergency removal and disposal, needs a Temporary State ID number to manifest Non-RCRA waste, or RCRA waste not exceeding 220 pounds, then the RP either:

- Logs onto www.dtsc.ca.gov, clicks the "Get an EPA ID Number" icon, and follows the listed directions, or
- Calls the DTSC Business Operations Unit (BOU) for assistance at (800) 618-6942, Monday through Friday, between 9:00 AM and 4:00 PM. On weekdays between 4:00 PM and 9:00 AM, or on weekends or holidays, the RP contacts Cal OES CSWC and requests the ERDO for assistance.

If an RP needs a Temporary EPA ID Number to manifest RCRA waste, or a combination of RCRA waste and Non-RCRA waste, where the RCRA waste in either case exceeds 220 pounds, then the RP should call (800) 300-2193, and upon hearing a directional message, press:

- #1 to contact the National Response Center (NRC) and report a spill, if not done yet, and/or
- #3 to contact the US EPA Region 9 Duty Officer who assigns a Temporary EPA ID Number.

Innocent Landowners

When hazardous materials are abandoned on property where the owner is clearly not the perpetrator, and the materials do not have an identifiable owner, local agencies may contact the ERDO and request DTSC ERU removal and disposal assistance.

Guarantee of Payment

If the RP wants or is willing to pay the emergency removal and disposal costs, then the RP may choose their own HazMat contractor for such.

However, many contractors are unwilling to perform private RP's cleanup and removal actions without the RP proving their ability to pay. In the middle of the night or on weekends, RPs may be unable to provide proof. In situations where the RPs are willing to pay without proving their capability, the ERDO may guarantee payment to the contractor if the RP fails to pay the invoice. The ERDO will only do this if the RP agrees to use a DTSC contractor.

Excluded Materials

DTSC ERU will not fund the removal and disposal of the following materials involved at Off-Highway incidents:

- Waste oil (unless laboratory analysis confirms hazardous waste levels of metals or the presence of PCBs)
- Petroleum fuels (diesel, gasoline, crude oil, or any fraction thereof)
- Fuel tank spills from vehicular accidents
- Radioactive waste
- Infectious waste
- Latex paint
- Household hazardous waste (HHW)/materials
- Universal waste
- Electronic waste (E-Waste)
- Marijuana and/or associated fertilizers, nutrient chemicals, pesticides, compressed gas cylinders or other items or debris associated with marijuana growing operations.

Cylinders

Local law enforcement agency representatives shall escort the DTSC contractor when situational conditions warrant moving cylinders to a nearby safe location for emergency treatment (venting, sparging, neutralization, etc.). The DTSC contractor must transport cylinders in a manner that ensures all workers involved are not exposed to health and/or safety hazards while enroute.

Government Land

Pursuant to H&SC Section 25353, DTSC will not perform emergency removal actions for incidents where a government agency is the responsible party or otherwise has jurisdictional responsibility, unless special circumstances exist, such as an immediate danger of fire or explosion, or significant threat to human health or the environment.

Indian reservations and properties owned by the Federal Government or by the State of California may not be eligible for emergency removal actions (H&SC Section 25353). The specific agency in control of the property will bear responsibility for the removal unless a clear emergency exists, which the responsible agency is unable to address in a proper and timely manner. In remote areas or other instances where ownership is uncertain, the ERDO may authorize a removal if a delay to verify ownership would create an endangerment to public health and/or the environment.

Revised: 10/31/2022