



Temporary Household Hazardous
Waste Facility Collection Permit
By Rule Liability Assurance
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Temporary Household Hazardous Waste Facility
Collection Permit By Rule Liability Assurance
R-04-04

Amend §67450.4 to read:

§67450.4. Requirements Applicable to Temporary Household Hazardous Waste Collection Facilities Deemed to Have a Permit by Rule.

(a) The operator of a temporary household hazardous waste collection facility (THHWCF) deemed to have a permit by rule pursuant to Section 66270.60(d)(5) may accept only the classifications of wastes listed in subsections (a)(1) through (a)(4) of this section. The operator of a THHWCF may choose not to accept any given classification of waste (such as but not limited to compressed gas cylinders, explosives, infectious or radioactive wastes). If wastes are accepted which, in addition to being regulated as hazardous wastes, are otherwise regulated, they must be managed in accordance with the regulations of all appropriate federal, state and local agencies.

(1) Household hazardous waste;

(2) Pursuant to Health and Safety Code Section 25158.1(a), hazardous waste that is generated by small quantity commercial sources;

(3) Extremely hazardous wastes if they are managed in accordance with the requirements of Chapter 43 of this division. Additionally, participating small quantity commercial source generators must themselves comply with the requirements of Chapters 12, 13 and 43 of this division for the transport of extremely hazardous wastes to the THHWCF; and

(4) Unidentified household hazardous wastes if upon receipt they are analyzed to determine the hazardous characteristics of the waste for subsequent sorting and packaging as appropriate.

(b) The operator of a THHWCF shall prepare, maintain at the facility, and operate in compliance with an operation plan as specified below. The operator shall make the operation plan available upon demand to any representative of the Department, the U.S. EPA or local governmental agency including the CUPA or authorized agency. A copy of the operation plan shall also be delivered in person or by certified mail with return receipt requested to CUPA or authorized agency when requested by CUPA or authorized agency. Any request from CUPA or authorized agency shall specify the documents which are required, where and how to submit the required documents, and the date by which the documents shall be submitted. The operation plan shall include:

(1) a description of the location and the address of the THHWCF;

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(2) a copy of a map showing the general THHWCF perimeters and traffic pattern. The map shall include all of the information as specified in Sections 66270.14(b)(18)(A), (F), (G), (H), (J) and (L);

(3) a list of the days and hours of operation including alternate dates as appropriate;

(4) the name, address and identification number of the THHWCF;

(5) the name, address and telephone number of the contact person for the THHWCF,

(6) the agency or contractor which will be providing the site supervisor(s) for the THHWCF(s). The name(s) of the individual site supervisor(s) for each THHWCF session must be recorded in the operation plan on or before the date of that session.

(7) a description of the length of time the waste will be held at the THHWCF;

(8) a description of the procedure to be followed to ensure that the facility will be managed in an environmentally safe manner in the event of inclement weather;

(9) if wastes from small quantity commercial sources will be accepted, a description of the measures which will be taken to handle the acceptance of the small quantity commercial source wastes separately from the household wastes. These measures shall include:

(A) directing small quantity commercial source generators to a receiving area of the THHWCF separate from the receiving area for household waste, or

(B) limiting small quantity commercial source waste acceptance to different hours than household waste acceptance.

(10) a description of the measures to be taken to ensure that all waste is removed from the facility and all contaminated facility structures, equipment and soil are either decontaminated or removed following termination of the THHWCF;

(11) training documents as specified in Section 66264.16(d);

(12) a contingency plan which contains the information specified in Section 66264.52. Additionally, the contingency plan shall include identification of an offsite contingency storage location where wastes could temporarily be stored pending resolution of any delay in final waste acceptance by the receiving facility identified on the manifest(s);

(13) a copy of the documents as specified in Section 66264.17(c) if applicable;

(14) if solvents, oil-based paints or gasoline will be bulked at the THHWCF, a copy of the written protocol approved by the local fire and air pollution prevention agencies in which the THHWCF is located;

~~(15) a copy of the financial certification for liability coverage as specified in Section 67450.16;~~

~~(16)~~ (15) copies of all local permits obtained for the operation of the facility;

~~(17)~~ (16) a copy of the written agreement between the property owner and the operator or the THHWCF; and

~~(18)~~ (17) if the facility is to be managed by a contractor, a copy of the written agreement between the contractor and the operator of the THHWCF.

(c) The operator of a THHWCF shall maintain compliance with Sections 66264.16 and 66264.17 and the following regulations.

(1) Chapter 12. Requirements for Generators of Hazardous Waste;

(2) Chapter 14, Article 3. Preparedness and Prevention; and

(3) Chapter 14, Article 4. Contingency Plan and Emergency Procedures.

(d) The operator of a THHWCF shall operate the THHWCF in a location that:

(1) is clearly marked to control public access;

(2) has a buffer zone which has the written approval of the appropriate local agencies;

(3) is large enough to accommodate all of the necessary equipment, personnel and anticipated number of vehicles for safe operation;

(4) is paved with asphalt or concrete in good repair. Additionally, all waste handling areas (with the exception of traffic lanes) must be covered with contiguous plastic sheeting of at least 6 mil thickness. Any punctured or torn plastic must be repaired or replaced immediately.

(5) has a physical barrier such as cones, tape or tables to delineate the perimeter of the handling and storage areas;

(6) has an area(s) or structure(s) that has the written approval of the appropriate local agencies to store all containers holding ignitable and/or reactive waste;

(7) has a canopy or other roof structure, when necessary, to prevent exposure to excessive heat or precipitation, that covers waste handling area(s) designated for sorting, bulking and packaging;

(8) has signs posted warning that the receiving, handling and storage areas contain hazardous waste and with the legend "Danger! Hazardous Waste Area--Unauthorized Personnel Keep Out". Additionally, signs shall be posted that prohibit food, beverages and smoking in the receiving, handling and storage areas. All signs shall be:

(A) in English and any other language predominant in the area surrounding the facility; and

(B) legible from a distance of at least 25 feet.

(9) has a storage area that:

(A) is surrounded by a fence constructed in a manner to prevent access by unauthorized persons; or

(B) is contained within a secured area with controlled access; or

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(C) is monitored by a 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) which continuously monitors and controls entry into the storage area; and

(D) has artificial lighting to ensure safe, effective management of the waste if the THHWCF operates or stores wastes during hours of darkness; and

(E) has a separate storage area for wastes which are ready to be transported off-site; and

(10) provides traffic control which is:

(A) approved by the appropriate local agency;

(B) directed by staff and/or volunteers authorized by the operator, fire department or law enforcement agency;

(C) routed in a one-way direction to minimize backing up or turning around; and

(D) controlled to assure that persons delivering the wastes remain in their vehicles while in the waste acceptance area of the facility.

(e) The operator of a THHWCF shall handle the waste received at the facility as follows:

(1) assure that bulking of wastes shall be performed:

(A) in a manner which prevents the mixing of incompatible wastes; and

(B) in a secured area away from the receiving area;

(2) limit bulking and filtering of wastes at the THHWCF to water-based paints, oil-based paints, compatible solvents, gasoline, antifreeze, used oil and roofing tar. If solvents, oil-based paints or gasoline are to be bulked, the operator shall observe the following restrictions:

(A) the bulking of solvents, oil-based paints or gasoline shall not occur during hours when wastes are being accepted at the THHWCF; and

(B) the bulking of solvents, oil-based paints or gasoline shall be conducted in compliance with written protocol approved by local fire and air pollution prevention agency jurisdictions in which the THHWCF is located;

(3) bulk, package and ship used oil to a facility authorized to receive used oil pursuant to Section 25200, Health and Safety Code;

(4) package and label the properly sorted waste in accordance with Department of Transportation (DOT) requirements pursuant to Subchapter C, Title 49, Code of Federal Regulations (CFR);

(5) assure that personnel who sort, bulk or package waste meet the personnel training requirements specified in Section 66264.16(a) and the requirements of the Occupational Safety and Health Administration (California Code of Regulations, Title 8 Sections 3380 and 5192);

(f) The operator of a THHWCF shall assure that removal and/or decontamination of structures, equipment, soil and all collected materials and wastes shall be completed within 144 hours after termination of the session and shall assure that all contaminated materials and wastes are removed by a registered hazardous waste transporter or other authorized person.

(g) The operator of a THHWCF shall establish a separate record which identifies the name, address, and identification number of the small quantity commercial source generator (if any), the type(s) and quantity(ies) of hazardous wastes accepted from small quantity commercial sources, and the fees paid to the THHWCF for the management of those wastes.

(h) The operator of a THHWCF shall assure that copies of the following reports and records pertaining to the THHWCF operations are maintained and available upon demand to CUPA, or authorized agency by the operator of the THHWCF for a period of at least three years from the commencement of the THHWCF:

- (1) the operation plan required by subsection (a)(2) of this section;
- (2) the notification submitted as required by Section 66270.60(e); and
- (3) all records which identify receipts and shipments of hazardous wastes from household and small quantity commercial sources.

(i) The operator of a THHWCF shall submit a written report to the appropriate CUPA or authorized agency of any incidents of noncompliance with these regulatory requirements that may have occurred within 15 days of such an occurrence. The report shall include all of the following:

- (1) the name, address and telephone number of the operator;
- (2) the location and address of the THHWCF;
- (3) the days and hours of operation;
- (4) a description of the incident and the reason for the occurrence; and
- (5) the procedures to be implemented to prevent a recurrence of the incident if applicable.

NOTE: Authority cited: Sections 25150 and 58012, Health and Safety Code. Reference: Sections 25112.5, 25150, 25159, 25159.5, 25185.6, 25186, 25200, 25200.2, 25205 and 25205.1, Health and Safety Code; and Title 40, Section 262.41, Code of Federal Regulations.

Repeal §67450.16 to read:

§67450.16. Liability Requirements: Coverage for Sudden Accidental Occurrences for Temporary Household Hazardous Waste Collection Facilities Which Are Permitted by Rule.

~~(a) This section applies to all temporary household hazardous waste collection facilities (THHWCF), as defined in Section 66260.10, which are deemed to have a permit pursuant to Section 66270.60(d)(5).~~

~~(b) The operator or contractor who operates or conducts the operation of the THHWCF pursuant to Section 67450.4 shall have and maintain financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operation of the THHWCF in the amount of at least \$100,000 per occurrence, with an annual aggregate of at least \$200,000, exclusive of legal defense costs, for each THHWCF operated pursuant to Section 66270.60(d)(5). If the financial responsibility provided by the contractor proves inadequate, it is the responsibility of the operator to provide adequate liability coverage.~~

~~(c) Liability coverage shall be established by one of the following methods and submitted with the certification required in Section 67450.16(d):~~

~~(1) liability insurance, as described in Section 66264.147(f);~~

~~(2) a financial test, as described in Section 66264.147(g);~~

~~(3) a trust fund, as described in Section 66264.147(k), but which is designated for liability coverage and fully funded;~~

~~(4) a surety bond, as described in Section 66264.147(j), but which is designated for liability coverage;~~

~~(5) a letter of credit, as described in Section 66264.147(i), but which is designated for liability coverage;~~

~~(6) For a public agency which is proposing to operate a household hazardous waste collection facility, self-insurance as described in Section 66264.147(l).~~

~~(7) an alternative mechanism, as described in Section 66264.147(m); or~~

~~(8) through any combination of the above mechanisms, provided the amount of coverage totals the minimum required under subsection (b) of this section.~~

~~(d) The operator or contractor of a THHWCF shall submit a Certification of Financial Responsibility for Permit by Rule Operations (DTSC Form 8113 (9/90)) to the Department. The certification shall accompany each notification required in Section 66270.60(d)(5)(A).~~

~~(1) The certification shall contain the following information:~~

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~~(A) designation of the mechanism(s) established to provide the liability coverage for the THHWCF, as described in Section 67450.16(c), and the original document(s) used to satisfy the requirements of the mechanism(s);~~

~~(B) the name and location of the insurance company, surety company, financial institution or other appropriate organization used to establish the liability coverage; and~~

~~(C) the effective date of the liability coverage.~~

~~(2) The certification shall be signed according to the requirements of Section 66270.11 as they apply to permit applications.~~

NOTE: Authority cited: Sections 25150, 25245 and 58012, Health and Safety Code.
Reference: Sections 25150, 25200.2 and 25245, Health and Safety Code; and Section 66798.9, Government Code.