

LAB PACK MANAGEMENT AT SCHOOLS HAZARDOUS WASTE COLLECTION,  
CONSOLIDATION, AND ACCUMULATION FACILITIES (SHWCCAFs) UNDER  
PERMIT BY RULE (R-02-11)

OFFICE OF ADMINISTRATIVE LAW REGULATORY ACTION NUMBER:  
FINAL STATEMENT OF REASONS

**UPDATE OF INITIAL STATEMENT OF REASONS**

As authorized by Government Code section 11346.9(d), the Department of Toxic Substances Control (DTSC) incorporates by reference the Initial Statement of Reasons prepared for this rulemaking.

No changes were made to the proposed regulations following the public hearing and 45-day comment period.

**ALTERNATIVES DETERMINATION**

DTSC has determined that no alternative would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

**LOCAL MANDATE DETERMINATION**

The proposed regulations do not impose any mandate on local agencies or school districts.

**SUMMARY**

Existing Law:

In California, offsite storage of hazardous waste is a regulated activity that requires authorization under the Department's five-tiered permit program for hazardous waste treatment or storage. Prior to 2002, the only tiered permitting option available for offsite collection and storage of hazardous wastes generated by K – 12 schools was the Standardized Permit. Standardized Permit requirements are generally intended to address higher-risk hazardous waste management activities, such as those commonly found at commercial facilities that treat or store large volumes of hazardous wastes. In addition to facility operation requirements, the Standardized Permit also requires a detailed review and environmental impact assessment of the proposed facility operation prior to issuance of a permit.

However, while the amount and specific types of waste generated at each school will vary according to school size and curriculum, the types of hazardous waste generated by the routine operation and maintenance of K – 12 schools is very similar to the types

and amounts of wastes collected at household hazardous waste collection facilities permitted under Permit by Rule (PBR). Therefore, effective January 30, 2002, the Department instituted new regulations<sup>1</sup> that provide school districts with a PBR authorization alternative to the Standardized Permit for offsite collection, consolidation, and accumulation of hazardous wastes generated by the routine operation and maintenance of K – 12 schools. These offsite PBR facilities are known as Schools Hazardous Waste Collection, Consolidation, and Accumulation Facilities (SHWCCAFs).

The existing PBR authorization requirements for SHWCCAFs include waste management, transport, and facility operation restrictions and protections. Specifically, under the existing SHWCCAF PBR regulations, non-reactive (not shock-sensitive or explosive) hazardous wastes generated from K – 12 school science laboratories (including chemistry, physics, and biology classes) may be managed at a SHWCCAF only if certain conditions are met. One of these conditions requires that the wastes be lab packed at the generating school prior to transport to the SHWCCAF. This condition also stipulates that these lab packs cannot be reopened during transportation to the SHWCCAF, or at the SHWCCAF.

#### Proposed Regulations:

The proposed regulations would allow, under specified conditions, school science laboratory waste lab packs to be reopened and repackaged as necessary at the SHWCCAF to provide for efficient and economic, as well as safe management and transport of the wastes to authorized recycling or disposal facilities.

Changing the existing requirements to allow school science laboratory waste lab packs to be reopened and repackaged at the SHWCCAF will help school districts save money by reducing packing material and shipping costs for transport and disposal of lab packs that are only partially filled with waste. In addition, allowing repackaging of lab packs at the SHWCCAF will help divert extra volumes of waste (in the form of multiple, partially empty lab packs) from hazardous waste disposal facilities, thereby helping to preserve hazardous waste disposal facility capacity in California, and promoting school district pollution prevention/source reduction practices.

Therefore, with the proposed regulations, the Department intends to encourage both pollution prevention and source reduction by school districts, as well as school district use of SHWCCAFs, by allowing more efficient management of lab packed school hazardous wastes.

## **RESPONSE TO COMMENTS**

No oral comments were given at the public hearing held June 16, 2003. One written comment was received via e-mail during the public comment period. This comment was from Debbie Turner, Los Rios Community College District, Sacramento, California.

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<sup>1</sup> Cal. Code Regs., tit. 22, div. 4.5, ch. 45, art. 5, commencing with sec. 67450.40, et seq.

Comment: I have received and reviewed the proposed regulations on lab pack management at schools and noticed that is only addressed K-12 grade. Does this proposed regulation include community college science laboratory waste?

Response: The proposed regulations on lab pack management at Schools Hazardous Waste Collection, Consolidation, and Accumulation Facilities (SHWCCAFs) are actually limited to K - 12 schools. Community college science laboratory waste is not eligible for management according to the proposed regulations. The proposed regulations amend provisions of the existing regulations for SHWCCAFs authorized under Permit by Rule and SHWCCAFs are limited to K - 12 schools and school districts.