

Chapter 10. Hazardous Waste Management System: General

Article 1. General

66260.1. Purpose, Scope, and Applicability.

(a) This ~~part~~ ^{Chapter} provides definitions of terms, general standards, and overview information applicable to this division.

(b) In this ~~part~~ ^{Chapter}:

(1) Section 66260.2 sets forth the rules that the Department will use in making information it receives available to the public and sets forth the requirements that generators, transporters, or owners or operators of treatment, storage, or disposal facilities must follow to assert claims of business confidentiality with respect to information that is submitted to the Department under this division.

(2) Section 66260.3 establishes rules of grammatical construction for this division.

(3) Section 66260.4 establishes a rule restricting local enforcement actions relating to the management of hazardous waste.

(4) Section 66260.5 sets forth processing times for specified Departmental actions.

(5) Section 66260.10 defines terms which are used in this division.

(6) Section 66260.11 lists references used in this division and a source for these documents.

(7) Section 66260.12 lists acronyms and abbreviations used in this division.

(8) Section 66260.21 establishes requirements and procedures for obtaining waivers to use alternative test methods or analytical methods for classifying non-RCRA hazardous waste and for obtaining the Department's concurrence for using alternative methods allowed by the USEPA Administrator per 40 CFR Section 260.21 for the analysis of RCRA hazardous waste.

(9) Section 66260.200 establishes procedures for obtaining the Department's concurrence on classification of a waste as hazardous or nonhazardous.

(10) Section 66260.210 establishes procedures and requirements for obtaining waivers from regulation for non-RCRA hazardous waste and non-RCRA regulated activities.

NOTE: Authority cited: Sections 208 and 25159, Health and Safety Code.

Reference: Section 25159.5, Health and Safety Code and 40 CFR Section 260.1.

66260.2. Availability of Information; Confidentiality of
Information.

(a) Any information provided to the Department pursuant to this division will be made available to the public to the extent and in the manner authorized by section 3007(b) of RCRA and the California Public Records Act (Government Code Section 6250 et seq.), and EPA regulations set forth in 40 CFR Part 2, as applicable.

(b) Any person who submits information to the Department pursuant to this division may assert a claim of business confidentiality covering part or all of that information by following the procedures set forth in Title 40 CFR 2.203(b). However, if no such claim accompanies the information when it is received by the Department, it may be made available to the public without further notice to the person submitting it.

(c) Information covered by such a claim will be disclosed by the Department only to the extent, and by means of the procedures, set forth in Part 2, Subpart B, of 40 CFR except that information required by Section 66262.53(a) which is submitted in notification of intent to export a hazardous waste pursuant to Section 66262.53(a) will be provided to the U.S. Department of State and the appropriate authorities in a receiving country regardless of any claims of confidentiality.

NOTE: Authority cited: Sections 208 and 25159, Health and Safety Code.

Reference: Section 25159.5, Health and Safety Code and 40 CFR
Section 260.2.

66260.3. Use of Number.

As used in this division:

- (a) Words in the singular include the plural; and
- (b) Words in the plural include the singular.

NOTE: Authority cited: Sections 208 and 25159, Health and Safety Code.

Reference: Section 25159.5, Health and Safety Code and 40 CFR Section 260.3.

66260.4. Local Agency Regulation of Hazardous Waste Facilities

No local agency shall enforce any requirement, other than those in this division, which would impede interstate or intrastate transportation or disposal of hazardous waste or which would impede use of facilities for regional multi-county management of hazardous waste.

NOTE: Authority cited: Health and Safety Code Sections 208 and 25150.

Reference: Health and Safety Code Section 25150.

66260.5. Processing Times Based on Actual Performance

The Department's time periods for processing applications for specific Departmental actions based on actual performance for the two years immediately preceding proposal of this regulation are as follows:

(a) Hazardous waste hauler registration (Section 66263.11):

- (1) Median time: 60 days
- (2) Minimum time: 1 day
- (3) Maximum time: 180 days

(b) waste classification concurrence (Section 66260.200) and Special waste classification (Section 66261.124):

- (1) Median time: 11 months
- (2) Minimum time: 2 days
- (3) Maximum time: 39 months

(c) Variances (Section 66260.210):

- (1) Median time: 60 days
- (2) Minimum time: 1 day
- (3) Maximum time: 1200 days.

NOTE: Authority cited: Section 15376, Government Code; and Sections 208, and 25150, Health and Safety Code.

Reference: Section 15376, Government Code; and Sections 25141, 25143, and 25163, Health and Safety Code.

Article 2. Definitions

66260.10. Definitions.

When used in this division, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" in Section 66260.10 and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Accidental occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury, property damage or environmental degradation neither expected nor intended from the standpoint of the insured.

"Accumulated speculatively" means that a material is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of

being recycled; and that, during the calendar year (commencing on January 1), the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under Section 66261.4(c) are not to be included in making the calculation. (Materials that are already defined as wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.

"Active life" or "Operating life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Department receives certification of final closure.

"Active portion" means that portion of a facility where transfer, treatment, storage or disposal operations are being or have been conducted after November 19, 1980 and which is not a closed portion.

"Activity" means any activity that is subject to regulation under this division.

"Acute aquatic 96-hour LC₅₀" means the concentration of a substance or mixture of substances in water, in milligrams per liter, which produces death within 96 hours in half of a group of at least 10 test fish.

"Acute dermal LD₅₀" means the dose of a substance or mixture of substances, in milligrams per kilogram of test animal body weight, which, when applied continuously to the bare skin for 24 hours, produces death within 14 days in half of a group of 10 or more rabbits.

"Acute inhalation LC₁₀" means the lowest concentration of a substance or mixture of substances in air, other than acute inhalation LD₅₀ in parts per million by volume if the substance or mixture of substances is a gas or vapor, reported to have caused death in humans or animals.

"Acute inhalation LC₅₀" means the concentration of a substance or mixture of substances in air, in parts per million by volume if the

substance or mixture of substances is a gas or vapor, which when inhaled continuously for 8 hours by a group of 10 or more laboratory white rats, each weighing between 200 and 300 grams, produces death in half the group within 14 days.

"Acute LD₁₀" means the lowest dose, other than an acute LD₅₀ of a substance or mixture of substances, in milligrams per kilogram body weight introduced orally or dermally over any given period of time in one or more divided portions and reported to have caused death in humans or animals.

"Acute oral LD₅₀" means the dose of a substance or mixture of substances, in milligrams per kilogram of test animal body weight, which, when administered orally as a single dose, produces death within 14 days in half of a group of 10 or more laboratory white rats which have fasted for 24 hours immediately prior to administration of the dose, and which weigh between 200 and 300 grams each.

"Acute toxicity" Means the ability of a substance or mixture of substances to cause injury, illness or damage to humans, animals or other living organisms by a single exposure of a duration measured

in seconds, minutes, hours or days or, in the case of oral ingestion, by a single dose.

"Acute hazardous waste" see "Acutely hazardous waste".

"Acutely hazardous waste" or "Acute hazardous waste" means any hazardous waste classified as an acutely hazardous waste in Article 4 of Chapter 11 of this division.

"Administrator" see "USEPA Administrator".

"Affected medium" means any medium (e.g. ground water, surface water or the unsaturated zone) that has been affected by a release from a regulated unit.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves and pumps, that is used to distribute, meter or control the flow of hazardous waste from its point of generation to a storage or treatment tank(s), between hazardous waste storage and treatment tanks to a

point of disposal onsite, or to a point of shipment for disposal offsite.

"Applicant" means a person who applies to the Department or to the USEPA for a permit, registration, certification or permission to take specified action, pursuant to the provisions of this division.

~~"Application"~~

(a)
~~"Application"~~ means the USEPA standard national forms for applying for a permit (Form EPA 8700-23, Revised 1/90) ~~and~~ and "Application" also includes the information required by the Department under sections 66270.14 through 66270.29 (contents of Part B of the application); or

(b) ~~"Application"~~ means the forms approved by the Department for applying for registration as a hazardous waste hauler. These forms are:

Form EH 187, revised 8/89: Hazardous Waste Hauler Application

Form DHS 8025, revised 6/90: Application for
vehicle/container inspection

Form DHS 8038, revised 5/85: Certificate of Insurance

Form DHS 8430, revised 3/89: Disclosure Statement

"Aquifer" means a geologic formation, group of formations or part of a formation capable of yielding a significant amount of ground water to wells or springs.

"Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

"Background monitoring point" means a well, device or location specified in the facility permit at which monitoring for background water, soil, air or soil-vapor quality is conducted.

"Bioaccumulative toxic substance" means a toxic substance that concentrates in living organisms through direct assimilation or food chain accumulation.

~~"Bodily Injury"~~

(a) "Bodily Injury" means any injury that causes physical pain, illness or any impairment of physical condition; or

(b) ^{set} For the purposes of Chapter 13 of this division, ~~"bodily injury"~~ ^{set} means injury to the body, sickness or disease to any person, including death resulting from any of these.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

- (a) (1) ~~The~~ unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids or ~~or~~ ^{or} heated gases; and
- (2) ~~The~~ unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterfalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in ^{which} ~~which~~ the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary ~~energy~~ energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

(3) ~~While~~ while in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(4) ~~The~~ The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

(b) ~~The~~ The unit is one which the USEPA Regional Administrator has determined, on a case-by-case basis, to be a boiler, after considering the standards in 40 CFR Section 260.32.

"Border zone property" means any property designated as border zone property pursuant to Health and Safety Code Section 25229 which is within 2,000 feet of a significant disposal of hazardous waste, and the wastes so located are a significant existing or potential hazard to present or future public health or safety on the land in question.

"Buffer zone" means an area of land which surrounds a hazardous waste facility and on which certain land uses and activities are restricted to protect the public health and safety and the

environment from existing or potential hazards caused by the migration of hazardous waste.

"Business" means the conduct of an activity and is not limited to a commercial or proprietary activity.

"Business concern" means any sole proprietorship, corporation, association, firm, partnership, trust or other form of commercial organization.

"By-product" is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

"Cargo tank" means any tank permanently attached to, or a structural part of, a vehicle; or any bulk liquid or compressed gas packaging that is not permanently attached to a vehicle and by reason of its size, construction or method of attachment is filled or emptied without removal from the vehicle. The term does not

include tanks that furnish fuel for propulsion of motor vehicle, or auxiliary equipment on which they are installed or any packaging fabricated to cylinder specifications.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Chemical toilet" means any portable or permanently installed sanitation apparatus or system which utilizes a tank for toilet waste retention and into which a chemical toilet additive is added.

"Chemical toilet additive" means any chemical substance, biological agent, other material or formulation thereof, which is employed for the primary purpose of controlling waste decomposition and odors in a chemical toilet holding tank or any tank in which chemical toilet wastes are held, collected or transported. The term "chemical toilet additive" includes, but is not limited to, a chemical substance, biological agent or other material which is a deodorant, bactericide, bacteriostat, microbiocide, chemical reactant, surfactant or enzymatic agent.

"Chemical toilet waste" means the waste in or from a chemical toilet.

"Chronic toxicity" means the ability of a substance or mixture of substances to cause injury, illness or damage to humans, animals or other living organisms by prolonged or repeated exposure or consumption over a period of days, weeks, months or years.

"Closed portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements and for which the Department has released the owner and operator from the financial assurance requirements for closure under Section 66264.143(j) or Section 66265.143(i).

"Closure" means the act of closing a hazardous waste management facility or hazardous waste management unit to pursuant the requirements of Chapters 14 and 15 of this division.

"Closure period" means the period during which a unit at a hazardous waste management facility is being closed according to an approved closure plan.

"Closure plan" means the plan for closure prepared in accordance with Section 66264.112 or Section 66265.112.

"Component" means any constituent part of a unit or any group of constituent parts of a unit which are assembled to perform a specific function (e.g., a tank or ancillary equipment of a tank system, a pump seal, pump, kiln liner, kiln thermocouple).

"Concentration limit" means the value for a constituent specified in the water quality protection standard or environmental protection standard including, but not limited to, values for concentration, temperature, pH, conductivity and resistivity.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined ground water.

"Consignee" means the ultimate treatment, storage or disposal facility in a receiving country to which the hazardous waste will be sent.

"Constituents of concern" means any waste constituents, reaction products and hazardous constituents that are reasonably expected to be in or derived from waste contained in a regulated unit.

"Container" ^{means,} Except for purposes of the annual inspections and the issuance of the certificates of compliance required by Chapters 12 and 13 of this division, ~~"container" means~~ any device that is open or closed, and portable in which a material can be stored, handled, treated, transported, recycled or disposed of. For purpose of the annual inspection and the issuance of the certificates of compliance required by Chapters 12 and 13 of this division, "container" means any portable tank as defined in Section 1160.3(j) of Title 13 of the California Code of Regulations or any covered or uncovered receptacle to be used for transporting hazardous waste and having a capacity greater than 110 U.S. gallons (416.4 liters).

"Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

"Control chart" means a graphical method for evaluating whether a process is or is not in a state of statistical control.

"Corrosion expert" means a person who, by reason of that person's knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Corrosive" means the ability to cause destruction of living tissue or steel surfaces by chemical action.

"Covered container" means any container which is equipped with a cover or other device that will prevent the escape of a liquid or solid substance when closed.

"Current assets" means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

"Current closure cost estimate" means the most recent of the estimates prepared in accordance with Section 66264.142 or Section 66265.142.

"Current liabilities" means obligations for which liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

"Current plugging and abandonment cost estimate" means the most recent of estimates prepared in accordance with 40 CFR Section 144.62(a), (b) and (c) incorporated by reference in Section 66260.11 of this chapter.

"Current postclosure cost estimate" means the most recent of the estimates prepared in accordance with Section 66264.144 or Section 66265.144.

"Day" means a calendar day including Saturdays, Sundays and holidays. Periods of time are calculated by excluding the first day, including the last, and disregarding fractions thereof.

Gov't Code 6008(??)
HSC Reference (??)

"Decontaminate" means to make free of wastes that are hazardous pursuant to the criteria in Chapter 11 of this division.

"Department" means the State Department of Health Services.

"Designated facility" means a hazardous waste transfer, treatment, storage, or disposal facility which has received a permit (or a facility with interim status) in accordance with the requirements of Chapters 20 and 21 of this division, a permit from a State authorized in accordance with Part 271 of Title 40 CFR, or that is regulated under, Chapter 16 of this division, or has received a permit, a grant of interim status, or a variance to operate without a permit or grant of interim status from the Department, or is otherwise authorized by law to receive specific hazardous wastes, and that has been designated on the manifest by the generator pursuant to Section 66262.20.

"Dike" means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids or other materials.

delete
"Director" ~~normally~~ means the State Department of Health Services Director, or an authorized representative.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous waste into or on any land or water.

, as provided in HSC § 25-112.5,

"Disclosure statement" means ~~either~~ either of the following:

(a) ~~A~~ statement submitted to the Department by an applicant, signed by the applicant under penalty of perjury, which includes all of the following information:

(1) ~~The~~ full name, business address, social security number and driver's license number of all of the following:

(A) ~~The~~ applicant;

(B) ~~Any~~ officers, directors or partners, if the applicant is a business concern;

(C) ~~All~~ persons or any officers, partners, or any directors if there are no officers, of business concerns holding more than five percent of the equity in, or debt liability of the applicant, except that if the debt liability is held by a lending institution, the applicant shall only supply the name and address of the lending institution.

(2) ~~The~~ following persons listed on the disclosure statement

shall submit properly completed fingerprint cards:

(A) The sole proprietor,

~~(B)~~ The partners,

~~(C)~~ Other persons listed in subsection (a)(1)(C) of this definition and any officers or directors of the applicant company as required by the Department.

(B) ~~(3)~~ Fingerprint cards submitted for any persons required by subsection (a)(2) of this definition shall be submitted once. Fingerprint cards shall be completed and submitted for any additional person only if there is a change in the person serving in a position for which fingerprint cards are required to be submitted pursuant to subsection (a)(2) of this definition. The Department shall use the information required by subsection (a)(2) of this definition to positively identify the applicant.

³(A) The full name and business address of any company which generates, transports, treats, stores, recycles, disposes of or handles hazardous waste and hazardous materials in which the applicant holds at least a five percent debt liability or equity interest.

⁴(B) A description of any local, state, or federal licenses, permits, or registrations for the generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials applied for, or possessed by the applicant, or by the applicant under any previous name or names, in the three years preceding the filing of the statement, or, if the applicant is a business concern, by the officers, directors or

partments of the business concern, including the name and address
of the issuing agency;

⁵(6) A listing and explanation of any final administrative orders or ~~license~~ revocations or suspensions issued or initiated by any local, state or federal authority, in the three years immediately preceding the filing of the statement, or any civil or criminal prosecutions filed in the three years immediately preceding, or pending at the time of, the filing of the statement, with any remedial actions or resolutions if applicable, relating to the generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials received by the applicant, or by the applicant under any previous name or names, or, if the applicant is a business concern, by any officer, director or partner of the business concern.

⁶(7) A listing of any agencies outside of the state which regulate, or had regulated, the applicant's (or the applicant's under any previous name or names) ~~generation~~ ^{generation} transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials in the three years preceding the filing of the disclosure statement.

⁷(8) A listing and explanation of any federal or state conviction, judgment, or settlement, in the three years immediately preceding the filing of the statement, with any remedial actions or resolutions if applicable, relating to the generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials by the applicant, or by

the applicant under any previous name or names, or if the applicant is a business concern, by any officer, director or partner of the business concern.

(9) A listing of all owners, officers, directors, trustees and partners of the applicant who have owned, or been an officer, director, trustee or partner of, any company which generated, transported, treated, stored, recycled, disposed of, or handled hazardous wastes or hazardous materials and which was the subject of any of the actions described in subsections (a) ⁵(~~6~~) and (a) ⁷(~~8~~) of this definition for the three years preceding the filing of the statement.

(b) In lieu of the statement specified in subdivision (a) of this definition, a corporation, the stock of which is listed on a national securities exchange and registered under the Securities Exchange Act of 1934, as amended (Title 15 U.S.C. Section 78a et seq.), or a subsidiary of such a corporation, may submit to the Department copies of all periodic reports, including, but not limited to, those reports required by Section 78m of Title 15 of the United States Code and Part 229 (commencing with Section 229.10) of Chapter II of Title 17 of the Code of Federal Regulations which the corporation or subsidiary has filed with the Securities and Exchange Commission in the three years immediately preceding the submittal, if the corporation or subsidiary thereof has held a hazardous waste facility permit or operated a hazardous waste facility under interim status pursuant to Health and Safety Code Section 25200 or 25200.5 since January 1, 1984.

"Disposal" means:

(a) The discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

(b) The abandonment of any waste.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure.

"Disposal site" means the location where any final deposition of hazardous waste occurs.

"Draft permit" means a document prepared under Section 66271.5 or 40 CFR Section 124.6 indicating the Department's tentative decision to issue or deny, modify, revoke and reissue, terminate or reissue a permit. A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in Section 66271.4, are types, of draft permits. A denial of a request for modification, revocation and reissuance, or termination, as discussed in Section

66271.4 or 40 CFR Section 124.5 is not a "draft permit." A proposed permit is not a draft permit.

"Elementary neutralization unit" means a device which:

- (a) Is used for neutralizing wastes which are hazardous wastes only because they exhibit the corrosivity characteristic defined in Section 66261.22, or are listed in Article 4 of Chapter 11 of this division only for this reason; and,
- (b) Meets the definition of tank, tank system, container, transport vehicle or vessel in this section.

"Emergency permit" means a permit issued in accordance with Section 66270.61.

"End-user"

~~(a)~~ ^(a) "End-user" means any person who receives a hazardous waste from an unaffiliated third party and who intends to, or does, use or reuse that waste as:

- (1) An ingredient in an industrial process to make a product, provided that distinct components of the material are not recovered as separate end products; or
- (2) A substitute for a raw material in a process that uses raw materials as principal feedstocks; or

(3) A substitute for a commercial product in a particular function or application.

(b) "End-user" does not include:

(1) A person who receives a RCRA hazardous waste;

(2) A person who receives a hazardous waste from an unaffiliated third party and who intends to, or does, process that waste to recover usable products or regenerate that waste;

(3) A person managing a material that is not a waste pursuant to Health and Safety Code Section 25143.2.

"EPA Acknowledgment of Consent" means the cable sent to the USEPA from the U.S. Embassy in a receiving country that acknowledges the written consent of the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country's consent to the shipment.

"EPA hazardous waste number" means the number assigned to each hazardous waste listed in Article 4 of Chapter 11 of this division and to each characteristic identified in Article 3 of Chapter 11 of this division as an EPA hazardous waste number.

"Equivalent method" means any testing or analytical method approved by the USEPA Administrator under 40 CFR Sections 260.20 and 260.21 or by the Department under Section 66260.21 of this division.

"Existing component" see "Existing tank system".

"Existing facility" see "Existing hazardous waste management facility".

"Existing hazardous waste facility" see "Existing hazardous waste management facility".

"Existing hazardous waste management (HWM) facility", "Existing hazardous waste facility", or "existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980 and for which a Part A permit application has been submitted to the Department or the USEPA. A facility has commenced construction if:

- (a) The owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction; and either
- (b) (1) A continuous onsite, physical construction program has

begun; or

(2) The owner or operator has entered into contractual obligations, which cannot be cancelled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means:

(a) That land surface area of an existing facility, included in the original RCRA Part A permit application, on which wastes have been placed prior to February 2, 1985.

(b) For facilities that were not required to submit a RCRA permit application, that land surface area of an existing facility on which wastes have ~~been~~ placed prior to February 2, 1985.

"Existing tank system" or "existing component" means a tank system or component that is used for the transfer, storage or treatment of hazardous waste and that is in operation, or for which installation has commenced on or prior to July 14, 1986 for tanks containing RCRA hazardous wastes, unless the owner/operator is a conditionally exempt small quantity generator as defined in 40 CFR Section 261.5 or a 100 to 1,000 kg per month generator as defined in 40 CFR Section 265.201. A tank system becomes an existing tank system on the effective date of these regulations if the tanks contain only non-RCRA hazardous wastes, or if the tanks contain RCRA hazardous

wastes and the generator is a conditionally exempt small quantity generator as defined in 40 CFR Section 261.5 or a 100 to 1,000 kg per month generator as defined in 40 CFR Section 265.201.

Installation will be considered to have commenced if the owner or operator has obtained all Federal, State and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either a continuous onsite physical construction or installation program has begun, or the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Extremely hazardous material" means a substance or combination of substances which, if human exposure should occur, may likely result in death, disabling personal injury or serious illness caused by the substance or combination of substances because of its quantity, concentration or chemical characteristics.

"Extremely hazardous waste" means any hazardous waste or mixture of hazardous wastes which, if human exposure should occur, may likely result in death, disabling personal injury or serious illness caused by the hazardous waste or mixture of hazardous wastes because of its quantity, concentration or chemical characteristics.

"Facility" see "Hazardous waste facility".

"Facility mailing list" means the mailing list for a facility maintained by the Department in accordance with Section 66271.9(c)(1)(D).

"Facility personnel" see "Personnel".

"Federal agency" means any department, agency or other instrumentality of the Federal Government, any independent agency or establishment of the Federal Government including any Government corporation, and the Government Printing Office.

"Federal, State and local approvals or permits necessary to begin physical construction" means permits and approvals required under Federal, State or local hazardous waste control statutes, regulations or ordinances.

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under

Chapters 14 and 15 of this division are no longer conducted at the facility unless subject to the provisions in Section 66262.34.

"Fine powder" means a metal in dry, solid form having a particle size smaller than 100 micrometers (0.004 inches) in diameter.

"Food-chain crops" means tobacco, crops grown for human consumption and crops grown for feed for animals whose products are consumed by humans.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure. Free liquids are determined by using the paint filter test (EPA Method No. 9095), as modified in Section 66264.314(b) of this division.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

"Functionally equivalent component" means a component which performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" or "Producer" means any person, by site, whose act or process produces hazardous waste identified or listed in Chapter 11 of this division or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond which are listed under Appendix III or Appendix III-A to Chapter 18 of this division.

"Handling" means the transporting or transferring from one place to another, or pumping, processing, storing or packaging of hazardous waste, but does not include the handling of any substance before it becomes a waste.

"Hauler" means a transporter.

~~"Hazardous Constituent"~~ "Hazardous Constituent" means:

(a) a ~~Constituent~~ constituent identified in Appendix VIII to Chapter 11 of this division; or

(b) any other element, chemical compound, or mixture of compounds which is a component of a hazardous waste or leachate and which has a physical or chemical property that causes the waste or leachate to be identified as a hazardous waste.

~~"Hazardous material"~~

~~(a)~~ "Hazardous material" means ^(a) a substance or combination of substances which, because of its [↑] quantity, concentration, or physical, chemical or infectious characteristics, may either:

(1) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness caused by the substance or combination of substances; or

(2) Pose a substantial present or potential hazard to human health or environment caused by the substance or combination of substances when improperly treated, stored, transported or disposed of or otherwise managed.

(b) Unless expressly provided otherwise, the term "hazardous material" shall ~~be understood to also include~~ extremely hazardous material.

"Hazardous waste" means a hazardous waste as defined in Section 66261.3 of this division. "Hazardous waste" includes extremely hazardous waste, acutely hazardous waste, RCRA hazardous waste, non-RCRA hazardous waste and special waste.

"Hazardous waste discharge" see "discharge".

"Hazardous waste constituent" means a constituent that caused the USEPA Administrator to list the hazardous waste in 40 CFR Part 261, Subpart D, or a constituent listed in Table 1 of 40 CFR Section 261.24.

"Hazardous waste facility," "hazardous waste management facility," "^{HW}~~LW~~ facility," or "facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer, storage, resource recovery, disposal or recycling operational units or combinations of these units.

"Hazardous waste facility permit" or "Permit" means an authorization, license or equivalent control document issued by the USEPA or the Department to implement the requirements of RCRA and this division. "Permit" includes permit by rule pursuant to Section 66270.60, and emergency permit pursuant to Section 66270.61.

"Permit" does not include interim status (Article 7 of Chapter 20), or any permit which has not yet been the subject of final USEPA or Department action, such as a draft permit or a proposed permit.

"Hazardous waste management" see Management".

"Hazardous waste management facility" see "Hazardous waste facility".

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, a waste transfer area, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone

does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

~~"Hazardous Waste Property"~~

(a)
~~(a)~~ "Hazardous waste property" means land which is either of the following:

(1) Any hazardous waste facility or portion thereof, required to be permitted pursuant to this division, which has a permit for disposal from the Department or has submitted an application for such a permit.

(2) A portion of any land designated as a hazardous waste property pursuant to Health and Safety Code Section 25229 where a significant disposal of hazardous waste has occurred on, under or into the land resulting in a significant existing or potential hazard to present or future public health or safety.

(b) "Hazardous waste property" does not mean residential land that has never received waste chemicals from an industrial, commercial, agricultural, research or business activity.

"Highway" means a way, or place, of whatever nature open to the use of the public for purposes of vehicular travel. Highway includes street.

"HOCs" see "Halogenated organic compound".

"HWM facility" see "Hazardous waste facility".

"ID Number" see "Identification number".

*means the number applied for
and assigned to all handlers
of HW*

"Identification Number" or "ID Number". ~~All handlers of hazardous waste shall apply for and be assigned an Identification (ID) Number.~~ A State ID number will be issued to handlers of non-RCRA hazardous waste (HW) and/or under 100 KG per calendar month of a RCRA HW. The State ID number will have a prefix of three letters followed by nine numbers. A federal ID number (EPA ID number) will be issued to handlers of 100 KG or more per calendar month of a RCRA HW and/or more than 1 KG per calendar month of acute HW, and any amount of non-RCRA HW. The federal ID number will have a prefix of three letters followed by nine numbers. Federal facilities will have a prefix of two letters followed by ten numbers.

"Ignitable" means capable of being set afire, or of bursting into flame spontaneously or by interaction with another substance or material.

"Impoundment" see "Surface impoundment".

"In operation" refers to a facility which is transferring, treating, storing or disposing of hazardous waste.

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980.

"Incinerator" means any enclosed device using controlled flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace.

"Incompatible waste" means a hazardous waste which is unsuitable for:

(a) Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

(b) Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, ~~reacts~~ fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases or flammable fumes or gases. (See Appendix V to Chapter 15 of this division for examples.)

"Independent sample" means an individual sample that has not been affected by previous sampling efforts.

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy:

- (a) Cement kilns ;
- (b) Lime kilns ;
- (c) Aggregate kilns ;
- (d) Phosphate kilns ;
- (e) Coke ovens ;
- (f) Blast furnaces ;

(g) ~~S~~melting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces);

(h) ~~T~~itanium dioxide chloride process oxidation reactors;

(i) ~~M~~ethane reforming furnaces;

(j) ~~P~~ulping liquor recovery furnaces;

(k) ~~C~~ombustion devices used in the recovery of sulfur values from spent sulfuric acid

el → (1) Such other devices as the USEPA Administrator may, after notice and comment, add to the list of "industrial furnaces" in 40 CFR Section 260.10 on the basis of one or more of the following factors:

(1) ~~T~~he design and use of the device primarily to accomplish recovery of material products;

(2) ~~T~~he use of the device to burn or reduce raw materials to make a material product;

(3) ~~T~~he use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

(4) ~~T~~he use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

(5) ~~T~~he use of the device in common industrial practice to produce a material product; and

(6) ~~O~~ther factors, as appropriate.

"Injection well" means any bored, drilled, or driven shaft, dug pit, or hole in the ground whose depth is greater than its largest surface dimension and any associated subsurface appertances, including, but not limited to, the casing.

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Inorganic solid debris" means, for the purposes of Chapter 18, nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve that require cutting, or crushing and grinding in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:

- (a) *me* Metal slags (either dross or scoria).
- (b) *of* Classified slag.
- (c) *of* Glass.
- (d) *ce* Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes).
- (e) *me* Masonry and refractory bricks.
- (f) *me* Metal cans, containers, drums or tanks.
- (g) *me* Metal nuts, bolts, pipes, pumps, valves, appliances or industrial equipment.

(h) Bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

"Installation inspector" means a person who, by reason of, that person's knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"Interim status" means the authorization granted by the Department or the USEPA which allows a facility to continue to operate pending review and decision of the facility's permit application.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Land disposal" means placement in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave or

placement in a concrete vault or bunker intended for disposal purposes.

"Land disposal method" means:

(a) Disposal of hazardous wastes on or into the land, including, but not limited to, landfill, surface impoundment, waste piles, deep-well injection, land spreading and co-burial with municipal garbage.

(b) Treatment of hazardous wastes on or in the land, such as neutralization and evaporation ponds and land farming, where the treatment residues are hazardous wastes and are not removed for subsequent processing or disposal within one year.

(c) storage of hazardous wastes on or in the land, such as waste piles and surface impoundments, other than neutralization and evaporation ponds, for longer than one year.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine or a cave.

"Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface so that hazardous constituents are degraded, transformed or immobilized within the treatment zone. Such facilities are disposal facilities if the waste will remain after closure.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or

secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"License" includes, but is not limited to any permit, registration or certification issued by any local, State, or Federal agency for the generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste.

"Liner" means a continuous layer of natural or man-made materials, beneath or on the sides of a surface impoundment, landfill or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate.

"Load" means the amount of waste transported by one truck, one railroad car or one barge to a hazardous waste facility.

"Major facility" means any facility or activity classified as such by the USEPA Regional Administrator in conjunction with the Department.

"Management" or "hazardous waste management" means the handling, storage, transportation, processing, treatment, recovery, recycling, transfer and disposal of hazardous waste.

"Manifest" means the shipping document DHS 8022A, or the equivalent document ~~required~~ by the state to which the waste will be shipped, which is originated and signed by the generator in accordance with the instructions included in the Appendix to Chapter 12 of this division.

"Manifest document number" means the ^{unique} ~~serially increasing~~ number assigned to the manifest by the Department for recording and reporting purposes.

"Maximum credible earthquake" means the maximum earthquake which rationally appears capable of occurring under the presently known tectonic framework and all known geologic and seismologic facts. The following factors and standards shall be applied in determining the maximum credible earthquake:

- (a) ~~The~~ seismic history of the vicinity and the geologic province;
- (b) ~~The~~ length of the significant fault or faults which can affect the site within a radius of 100 kilometers;
- (c) ~~The~~ type(s) of faults involved;
- (d) ~~The~~ tectonic and/or structural history;
- (e) ~~The~~ tectonic and/or structural pattern or regional setting (geologic framework);
- (f) ~~The~~ time factor (known or expected frequency of occurrence) shall not be a parameter.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is transferred, treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace,

underground injection well with appropriate technical standards under Article 5.5 commencing with Section 25159.10 of Chapter 6.5 of Division 20 of the Health and Safety Code, or unit eligible for a research, development and demonstration permit under Section 66270.65.

"Monitoring parameter" means one of the set of parameters specified in the facility permit for which monitoring is conducted. Monitoring parameters shall include physical parameters, waste constituents, reaction products, and hazardous constituents, that provide a reliable indication of a release from a regulated unit.

"Monitoring point" means a well, device or location specified in the facility permit at which the water quality or environmental protection standard applies and at which monitoring is conducted.

"Movement" means that hazardous waste transported to a facility in an individual vehicle.

"National Pollutant Discharge Elimination System" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and

enforcing pretreatment requirements, under sections 307, 318, 402, and 405 of the Federal Water Pollution Control Act (33 U.S.C. Sections 1317, 1328, 1342 and 1345). The term includes an approved program.

"Natural resources" includes, but is not limited to, disposal site capacity and substances which are hazardous waste, or which are in hazardous waste, the reuse of which is technologically and economically feasible.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"New facility" see "New hazardous waste management facility".

"New hazardous waste facility" see "New hazardous waste management facility".

"New hazardous waste management facility", "new hazardous waste facility", or "new facility" means a facility which began operation, or for which construction commenced after November 19, 1980.

"New tank component" see "New tank system".

"New tank system" or "new tank component" means a tank system or component that will be used for the transfer, storage or treatment of hazardous waste and for which installation (as defined under "Existing tank system" in this section) has commenced after the dates indicated below; except, however, for purposes of Sections 66264.193(g)(2) and 66265.193(g)(2), a new tank system is one for which construction commences after the dates indicated below: (See also "existing tank system.")

(a) July 14, 1986, for tanks containing RCRA hazardous wastes, unless the owner/operator is a conditionally exempt small quantity generator as defined in 40 CFR Section 261.5, or a 100 to 1,000 kg per month generator as defined in 40 CFR Section 265.201.

(b) The effective date of these regulations for:

(1) Tanks containing only non-RCRA hazardous wastes, and

(2) Tanks containing RCRA hazardous wastes, if the owner/operator is a conditionally exempt small quantity generator or a 100 to 1,000 kg per month generator.

"Non-RCRA hazardous waste" means all hazardous waste regulated in the State, other than RCRA hazardous waste as defined in this section. A hazardous waste is presumed to be a RCRA hazardous waste, unless it is determined pursuant to Section 66261.101 that the hazardous waste is a non-RCRA hazardous waste.

"Nonsudden accidental occurrence" means an unforeseen and unexpected accident which takes place over time, involves continuous or repeated exposure and results in bodily injury, property damage or environmental degradation.

"Nonwastewaters" means, for the purposes of Chapter 18 of this division, wastes that do not meet the criteria for wastewaters found in the definition of "wastewaters" in this section.

"Offsite" means any site which is not onsite.

"Offsite facility" means a hazardous waste facility that is not an onsite facility.

"Onground tank" means a device meeting the definition of "tank" in this section and that is situated in such a way that the bottom of

the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.

"Onsite" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection, and access is by crossing as opposed to going along, the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which that person controls and to which the public does not have access, is also considered onsite property.

"Onsite facility" or "Onsite hazardous waste facility" means a facility:

- (a) At which a hazardous waste is generated and which is owned by, leased to, or under the control of, the generator of the waste; and
- (b) which is located on the same or geographically contiguous property, on which the waste is produced, which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right-of-way.

Noncontiguous properties owned by the same person but connected by a right-of-way which the person controls and to which the public does not have access, is also considered an onsite facility.

"Onsite hazardous waste facility" see "Onsite facility".

"Open burning" means the combustion of any material without the following characteristics:

- (a) Control of combustion air to maintain adequate temperature for efficient combustion,
- (b) Containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and
- (c) Control of emission of the gaseous combustion products. (See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operation of a facility.

"Operating life" see "Active life".

"Owner" means the person who owns a facility or part of a facility.

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under Chapter 6.5 commencing with Section 25100, Division 20, Health and Safety Code.

"P-value" means the smallest significance level for which the null hypothesis would be rejected based on the data that was actually observed.

"Parent corporation" means a corporation which directly owns at least 50 percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation.

"Part A of Permit Application" or "Part A" means an application to the Department or the USEPA for a permit to operate a hazardous waste facility. The application is described in Section 66270.13.

"Part B of Permit Application" or "Part B" means the operation plan described in Sections 66270.14 through 66270.23 for a hazardous waste facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of Chapters 14 and 15 of this division at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile or other hazardous waste management unit, while other units of the same facility continue to operate or will be placed in operation in the future.

"PCBs" see "Polychlorinated biphenyls".

"Permit" see "Hazardous waste facility permit".

"Permit-by-rule" means a provision of these regulations stating that a facility or activity is deemed to have a permit if it meets the requirements of the provision.

"Permitted facility" means a facility that has received a hazardous waste facility permit from the Department or the USEPA in accordance with Section 25200 of the Health and Safety Code or RCRA.

"Persistent toxic substance" means a toxic substance that resists natural degradation or detoxification.

"Person" means an individual, trust, firm, joint stock company, business concern, corporation, including, but not limited to, a government corporation, partnership and association.

"Person" also includes any city, county, district, commission, the State or any department, agency or political subdivision thereof, any interstate body, and the Federal Government or any department or agency thereof to the extent permitted by law.

"Personnel" or "facility personnel" means all persons who work, at, or oversee the operations of, a hazardous waste facility, and whose actions or failure to act may result in noncompliance with the requirements of this division.

"Physical parameter" means any measurable physical characteristic of a substance including, but not limited to, temperature, electrical conductivity, pH and specific gravity.

"Physical construction" means excavation, movement of earth, erection of forms or structures, or similar activity to prepare a facility to accept hazardous waste.

"Pile" or "waste pile" means any noncontainerized accumulation of solid, nonflowing hazardous waste that is used for treatment or storage.

"Point of compliance" means a vertical surface located at the hydraulically downgradient limit, of a regulated unit, that extends through the uppermost aquifer.

"Point source" means any discernible, confined and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 40 CFR 761.3.

"Postclosure plan" means the plan for postclosure care prepared in accordance with Chapter 14 or Chapter 15 of this division.

"POTW" see "Publically owned treatment works".

"Primary Exporter" means any person who is required to originate the manifest for a shipment of hazardous waste in accordance with Chapter 12, Article 2 of this division, which specifies a treatment, storage or disposal facility in a receiving country as the facility to which the hazardous waste will be sent and any intermediary arranging for the export.

"Processing" means treatment.

"Producer" see "Generator".

"Property Damage"

(a) "Property damage" means an injury to property which deprives its owner of the benefit of the property by taking, withholding, deteriorating or destroying it.

(b) For the purposes of Chapter 13, "property damage" means damage to or loss of tangible property.

"Publicly owned treatment works" or "POTW" means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "State" or "municipality" (as defined by 33 U.S.C. Section 1362). This definition includes sewers, pipes or other conveyances only if they convey wastewater to a POTW providing treatment.

"R chart" (Range chart) means a control chart for evaluating the variability within a process in terms of the subgroup range R.

"RCRA hazardous waste" means all waste identified as a hazardous waste in Part 261 (commencing with Section 261.1) of Subchapter I of Chapter 1 of Title 40 of the Code of Federal Regulations and appendices thereto.

"Reactive" means having properties of explosivity or of chemical activity which can be a hazard to human health or the environment.

"Receiving country" means a foreign country to which a hazardous waste is sent for the purpose of treatment, storage or disposal (except short-term storage incidental to transportation).

"Reclaimed" means that a material is processed to recover a usable product, or that it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.

"Recyclable material" means a hazardous waste that is capable of being recycled, including, but not limited to, any of the following:

- (a) ~~A~~ residue.
- (b) ~~A~~ spent material, including, but not limited to, a used or spent stripping or plating solution or etchant.
- (c) ~~A~~ material that is contaminated to such an extent that it can no longer be used for the purpose for which it was originally purchased or manufactured.
- (d) ~~A~~ byproduct listed in Section 66261.31 or Section 66261.32.
- (e) ~~Any~~ retrograde material that has not been used, distributed or reclaimed through treatment by the original manufacturer or owner by the later of the following dates:
 - (1) ~~One~~ year after the date when the material became a retrograde material.

(2) If the material has been returned to the original manufacturer, one year after the material is returned to the original manufacturer.

"Recycled material" means a material which is used or reused or reclaimed.

"Regional Administrator" or "USEPA Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located, or that person's designee.

"Registered hazardous waste transporter" means a transporter registered with the Department to transport hazardous wastes.

"Regulated Unit" means:

(a) A permitted hazardous waste facility, which operates or operated:

(1) Any surface impoundment, waste pile, land treatment unit or landfill that receives or has received hazardous waste after July 26, 1982; or

(2) Any surface impoundment, waste pile, land treatment unit, or landfill that ceased receiving hazardous waste by July 26, 1982

which is required to comply with the requirements of Article 6 of Chapter 14 of this division pursuant to Section 66264.90(a);

(b) An interim status hazardous waste facility which operates or operated:

(1) Any surface impoundment, waste pile, land treatment unit, or landfill that receives or has received hazardous waste after November 19, 1980; or

(2) Any surface impoundment, waste pile, land treatment unit, or landfill that ceased receiving hazardous waste by November 19, 1980 which is required to comply with the requirements of Article 6 of Chapter 15 of this division pursuant to Section 66265.90(a).

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, ground water) which can be expected to exhibit the average properties of the universe or whole.

"Resource recovery facility" means an offsite hazardous waste facility whose principal method of hazardous waste management is the handling, recycling, treatment, use or reuse of recyclable material and which meets the requirements in Chapter 16 of this division.

"Restricted hazardous waste" means any hazardous waste which is subject to land disposal restriction pursuant to Health and Safety Code Section 25179.6 or Chapter 18 of this division.

"Retrograde material" means any hazardous material which is not to be used, sold or distributed for use in an originally intended or prescribed manner or for an originally intended or prescribed purpose and which meets any one or more of the following criteria:

(a) (1) ~~Has~~ Has undergone chemical, biochemical, physical or other changes due to the passage of time or the environmental conditions under which it was stored.

(2) ~~Has~~ Has exceeded a specified or recommended shelf life.

(3) ~~Is~~ Is banned by law, regulation, ordinance or decree.

(4) ~~Cannot~~ Cannot be used for reasons of economics, health or safety or environmental hazard.

(b) "Retrograde material" does not include material listed in Section 66261.33 if either of the following conditions is met:

(1) The material is used in a manner constituting disposal and the material is not normally used in a manner constituting disposal.

(2) The material is burned for energy recovery and the material is not normally burned for energy recovery.

"Run-off" means any rainwater, leachate or other liquid that drains over land from any part of a facility.

"Run-on" means any rainwater, leachate or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"Schedule of compliance" means a schedule of remedial measures included in a permit or order, including an enforceable sequence of interim requirements (for example, actions, operations or milestone events) leading to compliance with applicable law.

~~"scrap metal"~~

"Scrap metal" means:
(a) Except as provided in subsection (b) of this section, ~~"scrap metal"~~ means any one or more of the following:

- (1) Manufactured, solid metal objects and products;
- (2) Metal workings, including cuttings, trimmings, stampings, grindings, shavings and sandings; or
- (3) Solid metal residues of metal production.

(b) "Scrap metal" excludes all of the following:

- (1) Lead-acid storage batteries, waste elemental mercury, and water-reactive metals such as sodium, potassium and lithium.
- (2) Magnesium borings, trimmings, grindings, shavings and sandings and any other forms capable of producing independent combustion.

(3) Beryllium borings, trimmings, grindings, shavings, sandings and any other forms capable of producing adverse health effects or environmental harm in the opinion of the Department.

(4) Any metal contaminated with a hazardous waste, such that the contaminated metal exhibits any characteristic of a hazardous waste under Article 3 of chapter 11 of this division.

(5) Any metal contaminated with an oil that is a hazardous waste and that is free-flowing.

(6) Sludges, fine powders, semi-solids and liquid solutions that are hazardous wastes.

"Semitrailer" means a vehicle designed for carrying persons, property or waste, used in conjunction with a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

"Series A Resource Recovery Facility Permit" means a type of hazardous waste facility permit issued by the Department which grants the authority to operate a resource recovery facility that meets the criteria in Section 66266.7.

"Series B Resource Recovery Facility Permit" means a type of hazardous waste facility permit issued by the Department which

grants the authority to operate a resource recovery facility that meets the criteria in Section 66266.8.

"Series C Resource Recovery Facility Permit" means a type of hazardous waste facility permit issued by the Department which grants the authority to operate a resource recovery facility that meets the criteria in Section 66266.9.

"Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

"Sludge" means any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

"Small quantity generator" means a generator who generates less than 1,000 kg of hazardous waste in a calendar month.

"Soil-pore liquid" means the liquid contained in openings between particles of soil in the unsaturated zone.

"Solid Waste Management Unit" means any unit at a hazardous waste facility from which hazardous constituents might migrate, irrespective of whether the units were intended for the management of wastes, including but not limited to: containers, tanks, surface impoundments, waste piles, land treatment units, landfills, incinerators and underground injection wells.

"Soluble threshold limit concentration" or "STLC" means the concentration of a solubilized and extractable bioaccumulative or persistent toxic substance which, if equaled or exceeded in a waste or waste extract determined pursuant to Appendix II of Chapter 11 of this division renders the waste hazardous.

"Special waste" means a waste which is a hazardous waste only because it contains an inorganic substance or substances which cause it to pose a chronic toxicity hazard to human health or the environment and which meets all of the criteria and requirements of Section 66261.122 and has been classified a special waste pursuant to Section 66261.124.

"Spent material" is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

"State/EPA Agreement" means an agreement between the Regional Administrator and the Department which coordinates EPA and State activities, responsibilities and programs.

"STLC" see "Soluble threshold limiting concentration".

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere.

"Sudden accidental occurrence" means an unforeseen and unexpected accident which is not continuous or repeated in nature and results in bodily injury, property damage or environmental degradation.

"Substantial business relationship" means the extent of a business relationship necessary under applicable State law to make a guarantee contract issued incident to that relationship valid and

enforceable. A substantial business relationship" must arise from a pattern of recent or ongoing business transactions, in addition the guarantee itself, such that a currently existing business relationship between the guarantor and the owner or operator is demonstrated to the satisfaction of the Department.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs/trenches connected to it that serves to collect hazardous waste for transport to hazardous waste storage, treatment or disposal facilities.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds and lagoons.

"Surplus material" means an unused raw material or commercial product obtained by a person who intended to use or sell it, but who no longer needs it, and who transfers ownership of it to

another person for use in a manner for which the material or product is commonly used. Surplus material is excess material.

Surplus material is neither of the following:

- (a) A retrograde material as defined in this section.
- (b) A recyclable material as defined in this section.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Tank system" means a hazardous waste transfer, storage or treatment tank and its associated ancillary equipment and containment system.

"Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment

processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation and microwave discharge. (See also "incinerator" and "open burning".)

"The State" means the State of California.

"Total threshold limit concentration" or "TTLIC" means the concentration of a solubilized, extractable and nonextractable bioaccumulative or persistent toxic substance which, if equaled or exceeded in a waste, renders the waste hazardous.

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Toxic waste" means a hazardous waste designated as a toxic waste by the USEPA Administrator pursuant to 40 CFR Section 261.11.

"Trailer" means a vehicle designed for carrying persons, property or waste on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle.

"Transfer" means the loading, unloading, pumping or packaging of hazardous waste. Transfer does not include loading, unloading, pumping or packaging of hazardous waste on the site where the hazardous waste was generated.

"Transfer facility" or "transfer station" means any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held and/or transferred during the normal course of transportation.

"Transfer station" see "Transfer facility".

"Transit country" means any foreign country, other than a receiving country, through which a hazardous waste is transported.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportable Treatment Unit" means any equipment which performs a "treatment" as defined in this section and which is installed on a "vehicle" as defined in this section.

"Transportation" means the movement of hazardous waste by air, rail, highway or water.

"Transporter" means a person engaged in the offsite transportation of hazardous waste by air, rail, highway or water.

"Treatment" means any method, technique, or process which changes or is designed to change the physical, chemical, or biological character or composition of any hazardous waste or any material contained therein, or removes or reduces its harmful properties or characteristics for any purpose including, but not limited to, energy recovery, material recovery or reduction in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents and constituents of concern are degraded, transformed or immobilized. A treatment zone may not extend more than five feet below the initial surface and the base of the treatment zone shall be a minimum of five feet above the highest anticipated elevation of underlying groundwater.

"Truck" means a motor vehicle, excluding truck tractor, designed, used or maintained primarily for the transportation of property or waste.

"TTLIC" see "Total threshold limiting concentration".

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well".)

"Underground source of drinking water" or "USDW" means an aquifer or its portion:

(a) (1) ¹⁰ which supplies any public water system; or

(2) Which contains a sufficient quantity of ground water to supply a public water system; and

(A) Currently supplies drinking water for human consumption; or

(B) Contains fewer than 10,000 mg/l total dissolved solids; and

(b) Which is not an exempted aquifer.

"Underground tank" means a device meeting the definition of "tank" in this section which is substantially or totally beneath the surface of the ground.

"Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of transferring, storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"Unsaturated zone," "Vadose zone," or "zone of aeration" means the zone between the land surface and the water table.

"United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the commonwealth of the Northern Mariana Islands.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer.

"Used or reused" means that a material is either:

(a) Employed as an ingredient, including use as an intermediate, in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process).

However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

(b) Employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

"USEPA Administrator" or "Administrator" means the Administrator of the federal Environmental Protection Agency, or the Administrator's designee.

"USEPA Regional Administrator" see "Regional Administrator".

"Vacuum tank" means a cargo tank which has the capability of being subjected to a vacuum or a pressure for purposes of loading and unloading its contents.

"Vadose zone" see "Unsaturated zone".

"Variance" means a deviation from a provision of this division and Chapter 6.5 of the Health and Safety Code authorized pursuant to Section 66260.210 or Health and Safety Code Section 25143.

"Vehicle" means, except for purposes of the annual inspections and the issuance of certificates of compliance required by Chapters 12 and 13 of this division, a device by which any person or property, including waste, may be propelled, moved or drawn, excepting a device moved exclusively by human power. For purposes of the annual inspections and the issuance of certificates of compliance required by Chapters 12 and 13 of this division, "vehicle" means a device by which any person or property, including waste, may be propelled, moved or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Volatile organic compound" means a compound which is a volatile organic compound according to Method No. 8240 in the Environmental Protection Agency Document No. Sw 846 (1982) or any equivalent, alternative method acceptable to the Department.

"Waste" means waste as defined in Section 66261.2.

"Waste constituent" means a constituent that is reasonably expected to be in or derived from waste contained in a regulated unit.

"Waste pile" see "Pile".

"Wastewaters" means, for the purposes of Chapter 18 of this division, wastes that contain less than one percent by weight total suspended solids (TSS), with the following exceptions:

(a) F001, F002, F003, F004, F005 solvent-water mixtures that contain less than one percent by weight total F001, F002, F003,

F004, F005 solvent constituents listed in Section 66268.41, Table CCWE.

(b) K011, K013, K014 wastewaters (as generated) that contain less than five percent by weight total organic constituents (TOC) and less than one percent by weight total suspended solids (TSS).

(c) K103 and K104 wastewaters contain less than four percent by weight TOC and less than one percent by weight TSS.

"Wastewater treatment unit" means a device which:

(a) Is part of a wastewater treatment facility which is subject to regulation under either section 402 (33 U.S.C. Section 1317) or

307(b) (33 U.S.C. Section 1342) of the Federal Clean Water Act; and

(b) Receives and treats or stores an influent wastewater which is a hazardous waste as defined in Chapter 11 of this division, or that generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in Chapter 11 of this division, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in Chapter 11 of this division; and

(c) Meets the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

"Water reactive" means having properties of, when contacted by water, reacting violently, generating extreme heat, burning, exploding or rapidly reacting to produce an ignitable, toxic or corrosive mist, vapor or gas.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection": (See "underground injection".)

"X-bar chart" means a control chart for evaluating the process level or subgroup differences in terms of the subgroup average.

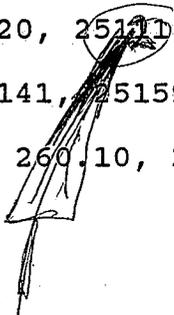
"Zone of aeration" see "Unsaturated zone".

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to ground water or surface water.

"Zone of saturation" see "Saturated zone"

NOTE: Authority cited: Sections 208, 25141, 25150 and 25159, Health and Safety Code.

Reference: Sections 25110.02, 25110.1, 25110.5, 25111, 25112, 25112.5, 25113, 25114, 25115, 25117, 25117.1, 25117.3, 25117.8, 25117.9, 25117.11, 25118, 25119, 25120, 25121, 25121.5, 25122.7, 25123, 25123.3, 25123.5, 25123.6, 25141, 25159.5 and 25229, Health and Safety Code, and 40 CFR Sections 260.10, 261.1 and 270.2.

A handwritten scribble consisting of several overlapping, dark lines that form a roughly triangular shape with a pointed bottom. It is located over the text '25121' in the reference list.

66260.11. References.

(a) When used in this division, the following publications are incorporated by reference:

- (1) "ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," ASTM Standard D-3278-78, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.
- (2) "ASTM Standard Guide for Investigating and Sampling Soil and Rock," ASTM Standard D-420-87, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.
- (3) "ASTM" Standard Method of Collection and Preparation of Coke Samples for Laboratory Analysis," ASTM Standard D-346-78, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103
- (4) "ASTM" Standard Method of Collection of a Gross Sample of Coal," ASTM Standard D-2234-82, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103
- (5) "ASTM" Standard Practice for Soil Investigation and Sampling by Auger Boring," ASTM Standard D-1452-80, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103
- (6) "ASTM" Standard Practice for Sampling Bituminous Materials," ASTM Standard D-140-88, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103

(7) "ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Tester," ASTM Standard D-93-79 or D-93-80. D-93-80 is available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(8) "Flammable and Combustible Liquids Code" (1977 or 1981), available from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

1984??

(9) "Geotechnical Branch Training Manual Nos. 4, 5 and 6", published by the United States Bureau of Reclamation, January 1986. These manuals are available from: Bureau of Reclamation Engineering and Research Center; Attention: D-7923.A; P.O. Box 25007; Denver, Colorado 80255.

(10) "Interim Method of the Determination of Asbestos in Bulk Insulation Samples", 40 CFR Part 763, Subpart F, Appendix A, published July 1, 1989. A bound version of 40 CFR is available from the Superintendent of Documents; United States Government Printing Office, Washington, DC 20402, (202) 783-3238.

(11) "Manual of Analytical Methods for THE ANALYSIS OF Pesticides in Humans and Environmental Samples," EPA-600/8-80-038, U.S. Environmental Protection Agency, 1980. This reference is available from the National Technical Information Service; United States Department of Commerce; Springfield, VA 22161, (703) 487-4650.

(12) "Methods for Chemical Analysis of Water and Wastes," EPA-600/4-79-020, U.S. Environmental Protection Agency, 1979. This reference is available from the Superintendent of Documents; United

States Government Printing Office; Washington, DC 20402, (202) 783-3238.

(13) "Static Acute Bioassay Procedures for Hazardous Waste Samples," California Department of Fish and Game, Water Pollution Control Laboratory, November 1988. This reference is available from the California Department of Fish and Game, Water Pollution Control Laboratory, 2005 Nimbus Road, Rancho Cordova, CA 95670.

(14) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 [Second Edition, 1982 as amended by Update I (April, 1984), and Update II (April, 1985)].

(15) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 Third Edition, November 1986 SW-846 available from the Superintendent of Documents; United States Government Printing Office; Washington, DC 20402, (202) 783-3238.

(16) "Title 40, Code of Federal Regulations," (40 CFR), published July 1, 1989, ~~as amended by the following Federal Register notices:~~

~~54 FR 171, September 6, 1989, PP 36967 - 36972~~

~~54 FR 188, September 29, 1989, PP 40260 - 40269~~

~~54 FR 193, October 6, 1989, PP 41402 - 41408~~

~~54 FR 236, December 11, 1989, PP 50968 - 50979~~

~~55 FR 31, February 14, 1990, PP 5340 - 5342~~

~~55 FR 47, March 9, 1990, PP 8948 - 8950~~

~~55 FR 85, May 2, 1990, PP 18507 - 18513~~

~~55 FR 106, June 1, 1990, PP 22520 - 22720~~

~~55 FR 114, June 13, 1990, PP 23935~~

1990

A bound version of 40 CFR is available from the Superintendent of Documents; United States Government Printing Office, Washington, DC 20402, (202) 783-3238.

(17) "Standard Methods for the Examination of Water and Wastewater", 16th Edition, available from the American Public Health Association, 1015 Eighteenth Street NW, Washington, DC 20036.

(b) The references listed in subsection (a) of this section are also available for inspection at the Department of Health Services, Toxic Substances Control Program, Technical Reference Library, 400 P Street, Sacramento, CA 94234-7320.

NOTE: Authority cited: Sections 208, 25141, 25150 and 25159, Health and Safety Code.

Reference: Sections 25141, 25159, and 25159.5, Health and Safety Code, Title 40 CFR Section 260.11.

66260.12 Acronyms and Abbreviations

As used in this division, the following acronyms and abbreviations have the specified meaning:

- "ASTM" means American Society for Testing and Materials
means hazard code for corrosive waste and the
"C" potential hazardous property of being corrosive
- "CCR" means California Code of Regulations
- "CEQA" means the California Environmental Quality Act
(Division 13 (commencing with Section 21000) of the
Public Resources Code.)
- "CERCLA" means Comprehensive Environmental Response,
Compensation, and Liability Act of 1980, as amended.
(42 USC Section 9610 et seq.)
- "CFR" means Code of Federal Regulations
- "CWA" means Clean Water Act of 1977, as amended (33 USC
Section 1251 et seq.)
- "DOT" means Department of Transportation, Federal
- "EP Toxicity" means a toxicity characteristic determined pursuant
to EPA Method 1310 from SW-846, Test Methods for
Evaluating Solid Waste, Physical/Chemical Methods,
2nd or 3rd Edition (Incorporated by reference in
Section 66260.11 of this Division.)
- "FIA" means Federal Insurance Administration
- "FR" means Federal Register
- "H" means hazard code for Acute Hazardous Waste
- "HSC" means Health and Safety Code

"HWCA" means Hazardous Waste Control Act (Chapter 6.5 (commencing with Section 25100) of division 20 of the Health and Safety Code)

"I" means hazard code for ignitable waste and the potential hazardous property of being ignitable

"Kg" means the unit of measure, kilogram

"NACE" means National Association of Corrosion Engineers

"NPDES" means National Pollutant Discharge Elimination System

"POHC" means Principal Organic Hazardous Constituent

"POTW" means Publicly Owned Treatment Works

"R" means hazard code for reactive waste and the potential hazardous property of being reactive

"RCRA" means Resource Conservation and Recovery Act of 1976, as amended (42 USC Section 6901 et seq.)

"SAE" means Society of Automotive Engineers

"SAE steel" means a grade or type of steel

"SDWA" means Safe Drinking Water Act of 1976, as amended (42 USC Section 300 f et seq.)

"SIC" means Standard Industrial Classification

"SQG" means Small Quantity Generator

"STLC" means Soluble Threshold Limit Concentration

"SW-846" means "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods"

"SWMU" means Solid Waste Management Unit

"T" means hazard code for Toxic Waste with a constituent or constituents listed in Appendix VIII of Chapter 11

"TC" means Toxicity Characteristic

"TCLP" means Toxicity Characteristics Leaching Procedure

"TTLC" means Total Threshold Limit Concentration

"TTU" means Transportable Treatment Unit

"UIC" means Underground Injection Control

"USC" means United States Code

"USDW" means Underground Source of Drinking Water

"USEPA" means United States Environmental Protection Agency

"WET" means Waste Extraction Test

"X" means the potential hazardous property of being toxic by any of the parameters in Section 66261.24

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25141 and 25159, Health and Safety Code.

Article 3.Variances.

66260.21. Petitions for Equivalent Testing or Analytical Methods.

(a) The Department shall grant a variance from the provisions of this chapter to allow use of a test method or analytical method alternative to that prescribed in Chapter 11 of this division for use in classifying a specific non-RCRA hazardous waste or a RCRA hazardous waste if the proposed testing or analytical method has been added to 40 CFR Parts 261, 264, or 265 per 40 CFR Section 260.21. For the variance to be granted, the applicant must show to the satisfaction of the Department that the proposed alternative test method or analytical method is equal or superior to the appropriate corresponding method in Chapter 11 of this division, when applied to the specific waste with respect to accuracy, precision, sensitivity and stringency.

(b) An application for a variance pursuant to Section 66260.21(a) shall include all of the following:

(1) The name and address of the generator of the waste and where the waste is located.

(2) A complete description of the waste, including its composition and source or process of generation.

(3) A complete description of the proposed alternative test method or analytical method, including all equipment and procedural steps used.

(4) A comparison of results obtained from a statistically significant number of replicate trials with the proposed alternative test method or analytical method with those results

obtained from use of the appropriate corresponding method prescribed in Chapter 11 of this division when both methods are applied simultaneously to the applicant's waste.

(5) An assessment of any factors which might interfere with or limit the applicability of the proposed test method or analytical method.

(6) A description of the quality control and quality assurance procedures to be followed to ensure the accuracy, precision, sensitivity and stringency of the proposed test method or analytical method.

(c) The Department shall, within 60 days after receipt of an application for a variance pursuant to Section 66260.21(a), notify the applicant that the application is complete and accepted for processing by the Department or that the application is incomplete and what further information is required.

(d) The Department shall, within 180 days of receipt of a complete application for a variance pursuant to Section 66260.21(a), notify the applicant that the request for a variance is granted or denied.

(e) If the variance requested pursuant to Section 66260.21(a) is denied, the Department shall provide to the applicant in writing the reason for the denial.

NOTE: Authority cited: Sections 208 and 25159, Health and Safety Code and Section 15376, Government Code.

Reference: Sections 25141, 25143 and 25159.5, Health and Safety Code and Section 15376, Government Code.

66260.200. Classification of a Waste as Hazardous or Nonhazardous.

(a) A waste shall be classified a hazardous waste if it meets the definition of a hazardous waste in Section 66261.3.

(b) No person shall deviate from the provisions of this Chapter in the management of a hazardous waste, except as provided for in Section 66260.200(f) or Section 66260.210.

(c) It shall be the generator's responsibility to determine if the waste is classified as a hazardous waste pursuant to Section 66260.200(a). If the generator determines that the waste is hazardous, the waste shall be managed pursuant to the provisions of this division. If the generator determines that the waste is nonhazardous, the generator, except as provided for in Section 66260.200(f), may either proceed to manage the waste as nonhazardous or apply to the Department for concurrence with their nonhazardous determination through the notification procedure set forth in Section 66260.200(d) before managing the waste as nonhazardous. A generator who incorrectly determines that a hazardous waste is nonhazardous and fails to manage the waste pursuant to the provisions of this division is in violation of the requirements of this division and is subject to enforcement action.

(d) If a person chooses to obtain departmental concurrence with the nonhazardous waste determination, a notification shall be submitted to the Department which includes all information required by Section 66260.200(m). Pending concurrence by the Department pursuant to Section 66260.200(e), that person shall manage the waste as hazardous waste.

(e) The Department, within 30 days of receipt of a notification pursuant to Section 66260.200(d), shall acknowledge in writing receipt of the notification. Within 60 days of receipt of a notification, the Department shall notify the sender of the notification in writing that concurrence with that person's classification of the waste as nonhazardous is approved, disapproved, or that the notification is incomplete or inadequate and what additional information is needed. Upon receipt of the additional information, the Department, within 60 days of receipt of the additional information, shall notify the sender of the notification in writing that concurrence of that person's classification of the waste as nonhazardous is approved or disapproved. The notification shall be considered disapproved if the sender of the notification fails to provide the additional information within 90 days from the date the information was requested. However, that person may request in writing an extension, up to 90 days, within which the information shall be submitted or the notification shall be considered disapproved.

(f) If a person wishes to classify and manage as nonhazardous a waste which would otherwise be a non-RCRA hazardous waste because it has mitigating physical or chemical characteristics which render it insignificant as a hazard to human health and safety, livestock and wildlife, that person shall apply to the Department for its approval to classify and manage the waste as nonhazardous. The application for approval shall include the information required by Section 66260.200(m). The Department, within 30 days of receipt of the application, shall acknowledge in writing receipt of the application. Pending written approval by the Department, the

applicant shall manage the waste as hazardous waste. Within 60 days of receipt of an application, the Department shall notify the applicant in writing that the application for classification and management of the waste as nonhazardous is approved, disapproved, or that the application is incomplete or inadequate and what additional information is needed. Upon receipt of the additional information, the Department, within 60 days of receipt of the additional information, shall notify the applicant in writing that the application for classification and management of the waste as nonhazardous is approved or disapproved. The application shall be considered disapproved if the applicant fails to provide the additional information in writing 90 days from the date the information was requested. However, the applicant may request, in writing, an extension up to 90 days, within which the information shall be submitted or the application shall be considered disapproved.

(g) The Department may find that the notification submitted by a person pursuant to Section 66260.200(d) or the application submitted pursuant to Section 66260.200(f) is incomplete or inadequate for reasons which may include any of the following:

(1) The application is not complete or there is insufficient information on which to classify the waste; or

(2) The methods used in testing or analyzing the waste are not those prescribed in Chapter 11 of this division, or have not been approved by the Department pursuant to Section 66260.21(a) as alternative methods; or

(3) Sampling and sample management were not in accord with Appendix I of Chapter 11 and Table 3 of Appendix III of Chapter 11; or

(4) Representative samples of the waste are required pursuant to Section 66260.200(k) in order that the Department may independently assess the properties of the waste.

(h) If the Department disapproves of person's determination that a waste is nonhazardous or a person's application to manage as nonhazardous a waste which would otherwise be a non-RCRA hazardous waste, the Department shall give in writing the reason for the disapproval.

(i) If the Department at any time finds that the information submitted or generated for a determination pursuant to Section 66260.200(c), a concurrence pursuant to Section 66260.200(d) or an approval pursuant to 66260.200(f) was erroneous for any of the following reasons, the Department may notify that person in writing of the deficiencies:

- (1) The results given in the laboratory report or other submitted data demonstrate that the waste is hazardous pursuant to the criteria given in Chapter 11 of this division; or
- (2) Fraudulently derived information is utilized or included; or
- (3) Analysis or testing of the waste performed by the Department or other agencies or information available to the Department demonstrates that the waste is hazardous according to the criteria given in Chapter 11 of this division.

(j) A waste person, upon receipt of such notice under Section 66260.200(i), shall immediately cease managing the subject waste as a nonhazardous waste and shall manage the waste as hazardous waste. That person may submit to the Department an amended notification or application. Within 30 days of receipt of an amended notification or application, the Department shall acknowledge in writing receipt

of the amended notification or application. Within 60 days of receipt of an amended notification or application, the Department shall notify the sender of the notification or the applicant in writing that the notification or application is approved, disapproved, or that the notification or application is incomplete or inadequate and what additional information is needed. Upon receipt of the additional information, the Department, within 60 days of receipt of the additional information, shall notify the sender of the notification or the applicant in writing that the notification or application is approved or disapproved. The notification or application shall be considered disapproved if the additional information is not provided within 90 days from the date the information was requested. However, the sender of the notification or the applicant may request in writing an extension, up to 90 days, within which the information shall be submitted or the notification or application shall be considered disapproved.

(k) Not later than 60 days after receipt of an adequate notification or application under Section 66260.200(d) or (f), the Department may request representative samples of wastes. The sender of the notification or the applicant shall maintain representative samples for that period of time. The quantity of sample submitted shall be adequate to conduct verification tests. Samples shall be collected, packaged, transported and stored in accordance with the sample management procedures in "Test Methods for Evaluating Solid Waste, Physical and Chemical Methods" (SW-846), Third Edition, incorporated by reference in Section 66260.11.

(1) If the waste changes so that the prior notification or application as nonhazardous no longer adequately assesses the waste by the criteria which may render it hazardous, the waste shall be managed as hazardous.

(m) A person seeking Department concurrence with a nonhazardous determination or approval to classify and manage as nonhazardous a waste which would otherwise be a non-RCRA hazardous waste shall supply the following information to the Department:

(1) Name, mailing and billing address, location, contact person and phone number for the generating facility.

(2) A description of the waste including a physical description, quantities produced per unit time, a detailed description of the generating process and current waste disposal method.

(3) Information on the sampling of the waste including the name and address of the firm sampling the waste, the name(s) of the person(s) sampling the waste, dates and locations of sample collection and a description of the sampling methodology and sample handling and preservation procedures.

(4) Testing laboratory information including the name, address, and certification number of the testing laboratory, the test methods used and references for locating these methods, the name(s) and qualifications of the person(s) testing the waste, the method for preparation of laboratory samples from field samples and information needed to identify each sample.

(5) Laboratory results including results from all tests required by Chapter 11 of this division and a listing of the waste's constituents. Results shall include analyses from a minimum of four representative samples as specified in Chapter 9 of "Test

Methods for Evaluating Solid Waste, Physical/Chemical Methods," SW-846, 3rd Edition, U.S. Environmental Protection Agency, 1986 (incorporated by reference in Section 66260.11 of this chapter).

(6) Certification of the veracity of the information submitted, signed and dated by a person who is the responsible manager of the facility.

(n) Notwithstanding the timeframes specified above, the Department shall not notify the applicant of the Department's decision regarding a notification submitted pursuant to subsection (d) of this section or an application submitted pursuant to subsection (f) of this section until the California Board of Equalization receives the fee assessed pursuant to Health and Safety Code section 25205.8.

NOTE: Authority cited: Sections 208, 25141 and 25150, Health and Safety Code and Section 15376, Government Code. Reference: Section 25205.8, 25141 and Section 25143, Health and Safety Code and Section 15376, Government Code.

66260.210. Variances.

shall only
(a) The department ~~may~~ grant a variance from one or more of the requirements of this division and Chapter 6.5 of Division 20 of the Health and Safety Code pursuant to Health and Safety Code Section 25143.

(b) The Department shall within 60 calendar days after receipt of an application for a variance inform the applicant in writing that the application is complete and accepted for filing, or that the application is incomplete and what specific information is required for the application to be submitted in a complete form. The Department shall, within 60 days of determining that an application is complete, inform the applicant in writing that variance is granted or denied.

(c) If the variance requested is denied, the Department shall provide to the applicant in writing the reason for the denial.

NOTE: Authority cited: Sections 208, 25141 and 25150, Health and Safety Code, and Section 15376, Government Code. Reference: Sections 25141 and 25143, Health and Safety Code and Section 15376, Government Code.

