

CHAPTER 12: OPERATIONAL STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

CHAPTER OVERVIEW: This chapter establishes operational standards applicable to generators of hazardous waste. It includes manifest and pre-transport requirements, and recordkeeping and reporting procedures.

Article 1 GENERAL: This article is based on 40 CFR Part 262 Subpart A and Title 22 CCR sections 66470, 66471, and 66472. It establishes standards for generators of hazardous waste.

section 66262.10: This is based on 40 CFR section 262.10; it establishes the purpose, scope, and applicability of Chapter 12. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.10 (c): The phrase "to a designated facility within the State" is being inserted after the word "State". This language clarifies that California regulates waste within the State only.

Section 66262.10 (e): The Health and Safety Code section number has been added to this section.

Section 66262.10 (f): The heading "Note 1" is being deleted. The language in this note states that the provisions of 40 CFR section 262.34, which establishes accumulation time periods applicable to generators, are applicable to owners or operators that generate waste at their facilities. This language is regulatory in nature and must be included in the body of the regulations.

Section 66262.10 (g): The heading "Note 2" is being deleted. The language in this note states that the provisions of 40 CFR Parts 264, 265, 266, and 270, which establishes standards and permit requirements applicable to generators, are applicable to generators who treat, store, or dispose of hazardous waste on-site. This language is regulatory in nature and must be included in the body of the regulations.

Section 66262.10 (h): This subsection exempts residential hazardous waste from the regulations. This exemption currently exists in section 66470. The corresponding federal exemption language (40 CFR section 261.4 (b)(1)) is being added to clearly define the exemption.

Section 66262.11: This is based on 40 CFR section 262.11; it establishes the process a generator must follow to determine if a waste generated is a hazardous waste. This section states that the generator shall refer to Chapters 11, 14, 15 and 18 of this Division to determine if a waste is listed as a hazardous waste or

is exempted from regulation, and to determine the applicable testing method. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.11 (a): This subsection specifies a generator shall refer to section 66261.4 to determine if the hazardous waste is excluded from regulation. An additional reference is being added which requires the generator to also refer to section 25143.2 of the Health and Safety Code. This section excludes hazardous waste from regulations if they are recyclable materials.

Section 66262.11 (b): The heading "Note" is being deleted. The language in this note states that if a generator's waste from his facility is listed he may still determine that the waste is not a hazardous waste. This language is regulatory in nature and must be included in the body of the regulations. New language is being added which specifies that Appendix X must also be referenced when making a determination on whether a waste is hazardous.

Section 66262.11 (c): Title 22 CCR section number has been added to this section. In addition, this regulation was changed for the December 1990 to January 1991 comment period by adding language added to the federal regulations at 55 FR 106, PP 22520-22720, 6/1/90. This language, in effect, tell the generator of a listed hazardous waste that he not only must determine if his waste is listed, but, for purposes of the land disposal restrictions/treatment standards program, must determine if the listed wastes also meets a characteristic (or more than one characteristic) of a hazardous waste.

This subsection was further corrected after the 12/90-2/91 comment period by addition of the word "or", inadvertently left in the errata sheet dated 1/15/90, to conform the regulation to the changes in the federal regulations at 55 FR 106, PP 22520-22720, 6/1/90. This change is a nonsubstantive correction to bring the text of the regulation into line with the Department's stated intention in the 12/90 notice document to conform these regulations to the changes made by the aforementioned Federal Register notice.

Section 66262.11 (c) (1): Title 22 CCR section number has been added to this section.

Section 66262.12: This is based on 40 CFR section 262.12; it defines the EPA identification (ID) number and establishes the method to obtain an ID number. This section conforms to the corresponding federal regulation except for the generic changes

specified in the introduction to this Statement of Reasons and as follows:

Section 66262.12: The phrase "for the generator" is being added to the section title to clarify that this section applies to generators.

Section 66262.12 (b): New language is being added that establishes the Department as the primary contact for all generators of hazardous waste needing to obtain an ID number.

Section 66262.12 (b): The latest revision date of EPA form 8700-12 (01-90) has been added to this section.

Article 2 THE MANIFEST: This article is based on 40 CFR Part 262 Subpart B and Title 22 CCR sections 66480, and 66484. It sets general requirements and procedures for the use of the manifest, states the number of copies a manifest will contain, and establishes procedures for the acquisition of the manifest.

Section 66262.20: This is based on 40 CFR section 262.20; it specifies the general requirements for the generator who transports or offers for transportation hazardous waste for off-site treatment, storage, or disposal. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.20 (a): The phrase "before the waste is transported off-site" is being added to the corresponding federal regulation to specify when the manifest should be completed. This subsection requires that a generator who transports hazardous waste (HW) or offers HW for transportation prepare a manifest. This requirement currently exists in section 66480(a).

Section 66262.20 (a): The reference to the federal manifest is being deleted and reference to the Department's manifest is being added.

Section 66262.20 (a): For the December 1990 to January 1991 comment period, a source and instructions for ordering copies of the manifest were added to the regulation. Note that a revision date was not given for the manifest because the actual form is printed in the appendix to Chapter 12.

Section 66262.20 (e): This section has been deleted. It states that a burden disclosure statement must appear on each Uniform Hazardous Waste Manifest. However, the Office of Management and Budget (OMB) has rescinded this requirement.

Section 66262.20 (e)(1) and (2): These subsections are being deleted. They refer to an exemption for generators of small quantities of hazardous waste. Title 22 CCR does not allow for this exemption. These generators are fully regulated under current Title 22 CCR.

Section 66262.21: This is based on 40 CFR section 262.21; it specifies the method for acquiring the manifest. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.21 (b): The reference to "consignment state" is being deleted and the phrase "California Uniform Hazardous Waste Manifest" is being added. This subsection specifies that if a consignment state does not supply the manifest, the

state where the generator is located must supply the manifest. The new language provides that when the consignment state does not supply the manifest, the generator must use the California Hazardous Waste Manifest.

Section 66262.21 (b): The Uniform Hazardous Waste Manifest form number has been added to this section.

Section 66262.21 (c): This subsection is being deleted. It states that if neither the generator's state nor the consignment state supplies the manifest, the generator may obtain a manifest from any source. This subsection is unnecessary, since section 66481 requires that all generators, transporters, and treatment, storage or disposal facilities in California shall use the Department's manifest.

Section 66262.22: This is based on 40 CFR section 262.22; it specifies the number of copies in the manifest. This section conforms to the corresponding federal regulation except as follows:

Section 66262.22: The federal language in this subsection is being deleted. It specifies that the manifest must consist of at least enough copies to provide the generator, transporter, and the owner or operator of the designated facility with one copy for their records and another copy to be returned to the generator. New language is being added that instead specifies the number of copies the Department's manifest consist of, and states how those copies are to be distributed.

Section 66262.23: This is based on 40 CFR section 262.23. It defines the procedure for using the manifest. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.23 (a): New language is being inserted into the corresponding federal regulation. This language clarifies the fact that the manifest requirements apply to generators "of any hazardous, acutely hazardous or extremely hazardous waste to be transported off-site." This requirement currently exists in section 66484.

Section 66262.23 (a)(1): The existing federal language in this subsection requires the generator to sign the manifest certification by hand. New language is being added to this section clarifying the fact that the generator must complete the generator and waste section, and sign the certification, according to the instruction in the appendix to Chapter 12. The appendix contains detailed instructions as to how to complete the manifest. This subsection establishes the appendix as a reference that must be consulted by the generators.

Section 66262.23 (a)(3): The phrase "one copy" is being replaced with the phrase "two copies." This change to the federal language is necessary in order to maintain the current state requirement that the generator keep two copies of the manifest (section 66484 (a)(3)).

Section 66262.23 (a)(4): This subsection is being added to the corresponding federal regulation in order to maintain the current state requirement that a copy be submitted to the Department within 30 days of shipment (section 66484 (f)).

Section 66262.23 (d): The heading "Note" and the federal correspondence are being deleted. It is explanatory in nature and does not satisfy the definition of regulations as provided in Government Code section 11342.

Article 3 PRE-TRANSPORT REQUIREMENTS:

This article is based on 40 CFR Part 262 Subpart C and Title 22 CCR section 66504. It sets forth the pre-transport requirements for the generator who offers hazardous waste for transportation off-site.

Section 66262.30: This is based on 40 CFR section 262.30; it establishes the packaging requirement for hazardous waste before it is transported off-site. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons.

Section 66262.31: This section is based on 40 CFR section 262.31; it establishes the labeling requirements for hazardous waste before it is transported off-site. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons.

Section 66262.32: This section is based on 40 CFR section 262.32; it establishes the marking requirements for hazardous waste before it is transported off-site. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.32 (b): The phrase "Department of Health Services" is being added. This subsection specifies that the improper disposal of hazardous waste be reported to the nearest police, public safety authority or the the USEPA agency. A requirement is being added that the Department be notified. This currently exists in section 66504.

Section 66262.33: This is based on 40 CFR section 262.33; it establishes the placarding requirements for hazardous waste before it is transported off-site. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.33: The wording has been modified to reflect the intent of 40 CFR and Title 22. Federal language states that the generator must "placard or offer the initial transporter the appropriate placards" before transporting wastes off-site. Section 66504 states the generator shall "placard." The intent of both regulations is to assign the generator of the waste the responsibility for ensuring that the vehicles transporting the waste off-site are correctly placarded. The new wording states that the generator shall ensure that the transporter vehicles is correctly placarded.

Section 66262.34: This section, which is based on 40 CFR section 262.34 and Health and Safety Code section 25123.3, sets forth the

conditions under which a generator can accumulate hazardous waste onsite without having a permit or interim status. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

In a number of instances the requirements of Health and Safety Code section 25123.3, as they pertain to generator accumulation of hazardous waste, are more stringent and/or more specific than the requirements found in 40 CFR section 262.34. In each such instance, the Health and Safety Code requirement is being incorporated into section 66262.34. This duplication of the state statute in the regulations is necessary for clarity and to avoid misleading the regulated community by promulgating regulations which provide only a partial listing of the requirements pertaining to this subject matter. The statutory provisions which are being duplicated in the proposed regulations are identified and discussed more specifically in the paragraphs that follow.

Section 66262.34 (a): The phrase "without a permit or without having interim status" is being changed to "without a permit or grant of interim status" for clarification only.

Section 66262.34 (a)(2): This is a new section being added to require compliance with new section 66262.34 (f), which requires a complete listing of all labeling requirements for generators who accumulate hazardous waste onsite without a permit or interim status (except for those labeling requirements pertaining only to generators using the 55-gallon rule allowed under section 66262.34 (e)). The addition of section 66262.34 (a)(2) is necessary to conform to the current labeling requirements for generators using the 90-day rule allowed under section 66262.34 (a). The current labeling requirements are set forth in 40 CFR section 262.34 (a)(2) and (3), and existing Title 22 CCR section 66508. Section 66262.34 (a)(2) is also necessary to impose new labeling requirements which are needed to enable state and local monitoring and enforcement staff to determine if generators are complying with the requirements of Health and Safety Code sections 25123.3 (a) and (b), and sections 66262.34 (a), (b) and (c).

NOTE: The requirements of 40 CFR sections 262.34 (a)(2) and (3) are being incorporated into new sections 66262.34 (f)(1) and (3).

Section 66262.34 (b): This section is being added to the regulations to clarify when the 90-day period specified in section 66262.34 (a) begins. Under 40 CFR section 262.34 (a), the 90-day period begins when hazardous waste first starts to accumulate onsite. However, 40 CFR exempts generators of 100 kilograms or less per calendar month from the requirements of

40 CFR section 262.34 and most other requirements pertaining to the management of hazardous waste. Neither the Health and Safety Code nor Title 22 CCR allow such a broad exemption. Therefore, section 66262.34 (b) is being added to these regulations to conform with the requirements of Health and Safety Code section 25123.3 pertaining to the 90-day period and generators of 100 kilograms or less per calendar month. The effect of both 40 CFR and the Health and Safety Code (and new section 66262.34 (b)) is to begin the 90-day period on the first date on which any amount of hazardous waste begins to accumulate in any month in which the generator generates more than 100 kilograms per month. The Health and Safety Code (and the new regulation) begin the 90-day period for acutely hazardous waste (AHW) and extremely hazardous waste (EHW) on the first date on which any amount of AHW or EHW (whichever is applicable) begins to accumulate in any month in which the generator generates more than one kilogram of AHW or more than one kilogram of EHW (whichever is applicable) per month. In addition, the Health and Safety Code (and the new regulation) apply the 90-day rule to smaller generators once they have accumulated a total of 100 kilograms of hazardous waste or one kilogram of acutely hazardous waste or one kilogram of extremely hazardous waste. In this respect the Health and Safety Code requirement, which is being included in these regulations, is more stringent than the corresponding 40 CFR requirement.

Section 66262.34 (c): This section conforms to 40 CFR section 262.34 (b), except that the phrase "or meets the requirements of subsection (e) of this section" is being added at the end of the first sentence for clarification and consistency with subsections (a) and (e) of this section. The substitution of the word "an" for "such" at the beginning of the second sentence is a wording change necessitated by the change to the first sentence.

Section 66262.34 (d): This is a new section which requires generators, who store more than 5000 U.S. gallons or 45,000 pounds (whichever is greater) of hazardous waste onsite in a tank for any period of time, to have either a permit or interim status (with some exceptions for portable tanks). This new section, which is more stringent than the 40 CFR regulation, is based on Health and Safety Code section 25123.3 (a)(2). Section 66262.34 (d) conforms to Health and Safety Code section 25123.3 (a)(2), with the following exceptions all of which pertain to the exemption provision for certain portable tanks:

Language is being added in section 66262.34 (d)(1) requiring portable tanks to comply with the labeling requirements of new section 66262.34 (f), in order to qualify for the exemption from the 5000 gallon/45,000 pound limitation. These labeling requirements are necessary to conform with federal regulations

(40 CFR sections 262.34 (a)(2) and (3)), as well as to conform with existing Title 22 CCR requirements (section 66508). These labeling requirements are also necessary to enable state and local monitoring and enforcement staff to determine whether or not a generator is in compliance with the requirements of Health and Safety Code section 25123.3 and section 66262.34 of these proposed regulations.

The phrase "60 calendar days" used in Health and Safety Code section 25123.3 (a)(2) is being clarified in new section 66262.34 (d)(1)(B) to read "60 consecutive calendar days". This is the most reasonable interpretation of, and therefore does not substantially alter the meaning of, Health and Safety Code section 25123.3 (a)(2). Because of questions received from local enforcement staff and the regulated community it is necessary to clearly state this interpretation of the statute in the regulations.

Section 66262.34 (d)(2) is being added to provide a definition of "portable tank" for purposes of this section. This addition is being made for clarity and to ensure uniform application of the regulation. The definition provided in section 66262.34 (d)(2) is a commonly used definition for "portable tank" and is consistent with existing Title 22 CCR section 66028.

Section 66262.34 (e): This section specifies the conditions under which a generator may accumulate up to 55 gallons of hazardous waste, one quart of acutely hazardous waste (AHW) or one quart of extremely hazardous waste (EHW) on-site for more than 90 days without a permit or grant of interim status, notwithstanding to the requirements of section 66262.34 (a). This section is based on and conforms to 40 CFR section 262.34 (c), with the exception of the revisions listed below which are being made for clarity, and for conformity with those provisions of Health and Safety Code section 25123.3 and existing Title 22 CCR regulations which are more stringent than the federal regulations:

Section 66262.34 (e)(1):

The phrase "or one quart of extremely hazardous waste" is being added to conform with Health and Safety Code section 25123.3 (d), which places a limit on the amount of extremely hazardous waste that can be accumulated under the provisions of section 66262.34 (e). The federal regulation does not impose a limit specific to extremely hazardous waste. Under the federal regulation, either the 55 gallon limit for hazardous waste or the one quart limit for acutely hazardous waste would apply depending upon the specific waste.

The phrases "in containers" and "where wastes initially accumulate, which is under the control of the operator of the process generating the waste" which are found in 40 CFR section 262.34 (c)(1) (the counterpart to section 66262.34 (e)(1)) are being incorporated into new section 66262.34 (e)(1)(A). These along with all the other conditions with which a generator must comply to qualify to utilize the 55 gallon/1 quart rule are being listed in individual subparagraphs of section 66262.34 (e)(1) (rather than being discussed in section 66262.34 (e)(1) itself). This change is being made to make the regulation easier to follow and understand.

The words "grant of" are being inserted in front of "interim status" for clarification only.

The phrase "without complying with paragraph (a)" is being changed to "without complying with subsections (a), (b) and (c)". This change is being made for clarity, since new subsection (b) and subsection (c) (which is based on 40 CFR section 262.34 (b)) are directly tied to subsection (a) and are pertinent only to generators who must comply with subsection (a).

The phrase "provided he" is being changed to "if all of the following requirements are met with respect to this waste". This change is necessary to accommodate the general restructuring of section 66262.34 (e)(1) and to eliminate the use of a gender-specific pronoun.

Section 66262.34 (e)(1)(A): This is a new section, which is based on 40 CFR section 262.34 (c)(1) with the following revisions:

The phrase "in containers" is being changed to "in containers, other than tanks". This change is necessary to conform with Health and Safety Code section 25123.3 (d)(1). This revised language does not alter the meaning of the federal regulation since in 40 CFR section 262.34 "containers" is used to mean nontank containers. (However, in some sections of the regulations "containers" is used to mean tank and nontank containers.)

The phrase "at or near any point of generation where wastes initially accumulate" is being changed to "at the initial accumulation point which is at or near the area where the waste is generated". This change is necessary to make it clear that the waste must be stored at the initial accumulation point, and not at any point which is near the initial accumulation point. The federal regulation could conceivably be read either way.

However, the revised language contained in section 66262.34 (e)(1)(A) conforms to the intended meaning of the federal regulation.

Section 66262.34 (e)(1)(B): This is a new section which is based on, and is necessary to conform with, Health and Safety Code section 25123.3 (d)(2). This section of the state statute imposes a one-year limit on the length of time that any amount of waste which is being accumulated under the provisions of section 66262.34 can be retained onsite. Additionally, this section of the statute limits storage time to 90 days after the 55 gallon/1 quart limit is reached. Under the federal regulations, which are less stringent than the state statute, there is no storage time limit until the 55 gallon/1 quart limit is exceeded, after which the waste can be stored for another 90 days.

Section 66262.34 (e)(1)(C): This is a new section, which requires that "the initial date of waste accumulation be clearly marked and visible for inspection" on the containers used for waste accumulation under section 66262.34. This section is necessary to conform with the requirements of Health and Safety Code section 25123.3 (d)(3) and existing Title 22 CCR section 66508 (a)(2). The corresponding federal regulation does not contain a comparable labeling requirement.

Section 66262.34 (e)(1)(D): This section conforms to 40 CFR section 262.34 (c)(1)(i).

Section 66262.34 (e)(1)(E): This section, which replaces 40 CFR section 262.34 (c)(1)(ii), requires generators to comply with the provisions of sections 66262.34 (e)(2), (e)(3) and (f)(3) in order to qualify to utilize the 55 gallon/1 quart accumulation provisions of section 66262.34 (e). The reference to new section 66262.34 (e)(2) is necessary since this section serves to interpret and make specific some of the terminology used in subsection (e)(1). The reference to section 66262.34 (e)(3) is necessary to conform with Health and Safety Code section 25123.3 (d)(4). The federal regulation does not specifically make compliance with section 66262.34 (e)(3) (or the corresponding 40 CFR regulation, section 262.34 (c)(2)) a condition for storing waste under the 55 gallon/1 quart provisions. The reference to section 66262.34 (f)(3) is necessary to conform with existing Title 22 CCR sections 66508 (a)(2) and (c), which specify labeling standards for all generators who accumulate waste onsite without a permit or interim status. These standards are more stringent than the labeling standards set forth in 40 CFR

section 262.34 (c)(1)(ii) for generators accumulating waste under the 55 gallon/1 quart rule.

Section 66262.34 (e)(2): This is a new section of the regulations which is intended to address problems that have been identified by state and local agencies and the regulated community in attempting to interpret and apply the existing corresponding federal regulation (40 CFR section 262.34 (c)) and the applicable state statute (Health and Safety Code section 25123.3 (d)). In preparing this proposed regulation section consideration was given to the overall intent of the corresponding federal regulation, which is to allow more practical and economical transporting of waste within (and from) one generator site by reducing the problem of having to deal with containers that are only partially full at the end of 90 days. The specific problems associated with the existing federal and state law are as follows:

Neither the federal regulations nor the state statute make clear how many containers can be accumulated for multiple processes generating hazardous waste which are in close proximity to each other and are using (or could use) the same initial accumulation point. This lack of clarity has led to inconsistent, case-by-case application of the regulation by both generators and state and local staff responsible for enforcing the regulation.

The federal regulation does not clearly address the fact that a single or multiple process(es) or generation point(s) may, in some instances, generate multiple waste streams which must be placed in separate containers because of their incompatibility, or which may need to be placed in separate containers for some other reason such as recycling. One possible interpretation of the federal regulation would limit generators, with such multiple waste streams, to a total accumulation of 55 gallons (or one quart) for all of the containers required for these multiple waste streams. This would require the generator to remove the containers from the initial accumulation point when they are only partially full. This interpretation of the federal regulation clearly contradicts the intent of the regulation. A more reasonable interpretation would allow a separate accumulation quantity limit for each waste stream needing to be accumulated separately. This latter interpretation is consistent with the intent of the federal regulation.

Proposed regulation section 66262.34 (e)(2) addresses both of these issues by specifying that a separate quantity limitation applies to each process or group of processes generating compatible wastes. The proposed regulation allows accumulation in additional containers (each subject to a

separate quantity limitation) if the generator finds, subject to the Department review and approval, a need for such additional containers based upon consideration of practicality and safety.

Section 66262.34 (e)(3): This section conforms with 40 CFR section 262.34 (c)(2) with the following changes:

The phrase "or extremely hazardous waste" is being added to conform with Health and Safety Code section 25123.3 (d), which places a limit on the amount of extremely hazardous waste that can be accumulated under the provisions of section 66262.34 (e). The federal regulation does not impose a limit specific to extremely hazardous waste. Under the federal regulation, either the 55 gallon limit for hazardous waste or the one quart limit for acutely hazardous waste would apply depending upon the specific waste.

The language is being revised to require compliance with section 66262.34 (e)(3) when the 55 gallon/1 quart limit is reached, rather than when the limit is exceeded as is specified in the federal regulation. This change is necessary to conform with Health and Safety Code section 25123.3 (d)(4), which is more stringent than the corresponding federal requirement.

The language is also being changed to make the requirements of section 66262.34 (e)(3) applicable to the 55 gallons/1 quart that has been accumulated, rather than to the waste accumulated in excess of the 55 gallons/1 quart. This change is necessary to conform with Health and Safety Code section 25123.3 (d)(4), and to clarify the federal regulatory requirement which could be interpreted either way. The interpretation conforming to the Health and Safety Code is more stringent since it requires the more rigorous management standards specified in section 66262.34 (e)(3) to be applied to the older waste and containers which are more likely to present problems.

This section is being revised to require compliance within three days with section 66262.34 (a) and (versus or) other applicable provisions of these regulations. This change is necessary to conform with Health and Safety Code sections 25123.3 (d)(4) and (d)(5). The federal regulation is less stringent since it could be interpreted to require compliance with subsection (a) or other regulations, not both.

The last sentence of this section is being revised to specify that the container must be labeled within three days of reaching the 55 gallon/1 quart limit. This

change is necessary to comply with Health and Safety Code section 25123.3 (d)(4). The federal regulation is less stringent since it does not set a time limit for complying with the labeling requirement.

Other nonsubstantive wording and grammatical changes are being made to section 66262.34 (e)(3) for clarification and to accommodate the changes discussed above.

Section 66262.34 (f): This is a new section which sets forth the labeling requirements for generators who accumulate hazardous waste onsite without a permit or grant of interim status. (NOTE: Special labeling requirements for generators utilizing the 55-gallon rule are specified in section 66262.34 (e) along with other requirements unique to this group of generators.) Section 66262.34 (f)(1) conforms with 40 CFR section 262.34 (a)(2). Section 66262.34 (f)(2), which requires containers and tanks to be marked with the beginning date of the 90-day period, is necessary to enable state and local enforcement staff to determine if generators are complying with the requirements of Health and Safety Code sections 25123.3 (a) and (b), and proposed Title 22 CCR sections 66262.34 (a), (b) and (c). This requirement is not contained in the federal regulations. Section 66262.34 (f)(3) conforms with 40 CFR section 262.34 (a)(3), and existing Title 22 CCR section 66508 (c) which contains additional requirements not found in the federal regulation.

40 CFR sections 262.34 (d), (e) and (f): These sections of 40 CFR, which allow onsite accumulation of hazardous waste for 180 or 270 days under certain circumstances, are not being included in the proposed regulations. As a result, the proposed regulations conform to the Health and Safety Code and existing Title 22 CCR regulations, which are more stringent than this 40 CFR regulation because the state statute and regulation do not allow accumulation onsite beyond 90 days without a permit or interim status in these instances. Reference to these three sections is being deleted from section 662262.34 (a) for consistency and clarity.

Article 4 RECORDKEEPING AND REPORTING:

This article is based on 40 CFR Part 262 Subpart D, and Title 22 CCR sections 66492, 66493, and 66484. It sets forth the recordkeeping and reporting requirements for the generator.

Section 66262.40: This is based on 40 CFR section 262.40; it establishes the recordkeeping requirements for the generator. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons.

Section 66262.41: This is based on 40 CFR section 262.41; it specifies that a generator who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States must prepare and submit to the Department a Biennial Report. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.41 (a): The phrase "forms provided by the Department" is replacing the EPA form reference. Section 66493 currently requires the biennial report to be submitted on forms provided by the Department which include all requirements of the EPA form.

Section 66262.41 (a): The EPA biennial hazardous waste form number has been added to this section.

Section 66262.41 (a) (4): The word "transfer" has been inserted before the word "treatment".

Section 66262.41 (a) (5): New language is being added that requires the California hazardous waste code. This addition is necessary to maintain this requirement, which currently exists in section 66493.

Section 66262.41 (a) (5): New language is being added to establish a process for the proper DOT hazard class description of non-RCRA hazardous wastes. All RCRA hazardous wastes have proper description's, but not all non-RCRA hazardous wastes do. This subsection provides a means of describing non-RCRA hazardous wastes when a corresponding DOT hazard class description is not available.

Section 66262.41 (a) (5): The word "shall" is used in lieu of "should".

Section 66262.41 (b): The word "biennial" is being replaced with the word "annual." Section 67165 requires Permitted and Interim Status facilities who treat, store or dispose of hazardous waste on-site to submit annual reports covering their activities for the previous year. This is in lieu of

the biennial report. This is more stringent than the federal requirement for a biennial report.

Section 66262.42: This is based on 40 CFR section 262.42; it specifies that a generator who does not receive a copy of the manifest from the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must submit an Exception Report. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons.

Section 66262.43: This is based on 40 CFR section 262.43; it specifies that the generator must submit additional reports concerning the quantity and disposition of identified wastes if deemed necessary. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons.

Section 66262.44: This has been deleted. It is based on 40 CFR section 262.44. It exempts generators of hazardous waste producing greater than 100 KG per calendar month but less than 1000 KG per calendar month from many requirements. Current California law provides for no exemption for these generators.

Article 5: EXPORTS OF HAZARDOUS WASTE

Article OVERVIEW: This article is based on: 40 CFR Part 262, Subpart E; Title 22 CCR, Section 66515; and HSC Section 25150.2. This article establishes the requirements for the exportation of hazardous waste to a foreign country from the State. Changes have been made throughout this article to require that the Department receive copies of all reports and notifications relating to hazardous waste exportation activities. These changes are consistent with authorization provisions of 40 CFR Section 271.10 (e), which allow authorized states to require that copies of these documents be filed with the Department.

Because the U.S. EPA has defined the waste universe included under its exportation approval process to only those hazardous wastes regulated under Subtitle C of RCRA, the Department has had to develop regulations as part of this rulemaking package to accommodate the exportation of non-RCRA hazardous wastes. The areas of regulation that have been modified to include non-RCRA hazardous waste information are: notification of intent to export, exception reports, annual reports, and recordkeeping requirements.

Section 66262.50: This section is based on 40 CFR Section 262.50 and Title 22 CCR, Section 66515 which established the general applicability of these international shipment regulations for the transportation of hazardous wastes. This section conforms to the federal regulations except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.50: The phrase "to a foreign country from the State" is being inserted so that the language of this section reflects that these regulations apply to exportation practices originating within the State only.

Section 66262.50: The term, "special", is being deleted to avoid any inference that only certain "special" requirements must be complied with.

Section 66262.50: The sentence "Section 262.58 sets forth the requirements of international agreements between the United States and receiving countries which establish different notice, export, and enforcement procedures for the transportation, treatment, storage and disposal of hazardous waste for shipments between the United States and those countries." is being deleted because this sentence references a section of the federal regulations which the Department will not adopt in this rulemaking processes. This sentence contains no regulatory requirements.

Title 40 CFR Section 262.51: This section titled "Definitions" is being deleted because the definitions contained in this section of

the federal regulations were moved to Section 66260.10. The definitions being moved are "EPA Acknowledgment of Consent", "Primary Exporter", "Receiving Country", and "Transit Country". This change is necessary to conform to the existing regulation format of Title 22 CCR.

Section 66262.52: This section is based on 40 CFR Section 262.52 which established the general requirements for exports of hazardous waste from the U.S. to a foreign county. This section conforms to the federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.52: In the introductory paragraph of this section the phrase "to a foreign country from the State" is being inserted to clarify that these general requirements apply only to export shipments leaving the State and bound for foreign countries.

Section 66262.52 (b), (c) and (d): The phrase "For RCRA hazardous waste" is being inserted to clarify that the requirements of this subsection only apply to the exportation of RCRA hazardous wastes. There currently is no state equivalent statutory authority for requiring the written consent from the receiving country for exporting non-RCRA hazardous wastes.

Section 66262.53: This section is based on 40 CFR Section 262.53, which established the content and the form for the notifications of intent to export for RCRA hazardous waste. This section applies those standards to exports of RCRA hazardous waste, and establishes separate standards for exports of non-RCRA hazardous waste. Changes were made to this section to include the Department in the notification process, a requirement of both HSC Section 25150.2 and Title 22 CCR, Section 66515. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.53 (a): The term "concurrently" and the phrase "and send a copy of that notification to the Department" are being added to require that the Department receive a copy of the same notification which the federal EPA receives from the primary exporter. Title 40 CFR Section 271.10 (e) provides for State programs to receive a copy of the documents referenced in Section 262.53. This change is necessary for the state regulation to be consistent with the federal regulation.

Section 66262.53 (a): The term "RCRA" is being inserted to clarify that the requirements of this sentence only apply to the notification of intent to export RCRA hazardous wastes.

Section 66262.53 (a)(2)(A): This paragraph specifies the type of information on each hazardous waste which will be included on the notification. The phrase "if applicable" is being added to clarify that not all hazardous wastes listed in Chapter 11, Articles 3 and 4 will have an EPA hazardous waste number. Some non-RCRA hazardous wastes will not have a hazardous waste number identifiable under Subtitle C of RCRA.

Section 66262.53 (a)(2)(A): The term "California Hazardous Waste Code Number" is being added to make allowance for hazardous wastes listed as non-RCRA hazardous wastes and therefore do not have an EPA hazardous waste numbers under the federal program. This change is necessary to conform with existing state regulations.

Section 66262.53 (a)(2)(C): This paragraph requires that the estimated quantities of hazardous waste in units specified on the uniform manifest be included on the notification. The term "(DHS form 8022 A)" is being added to provide the necessary reference to the document described.

Section 66262.53 (b): This subsection describes the content and form of the non-RCRA hazardous waste export notifications. This subsection is being added to clarify that only the Department should receive notification of an intended shipment of non-RCRA hazardous waste. The federal program does not accommodate the exportation of wastes not regulated under Subtitle C of RCRA and therefore this subsection is being added to accommodate these non-RCRA hazardous waste notifications.

Section 66262.53 (c): This subsection specifies the addresses where notifications for both RCRA and non-RCRA hazardous wastes are to be sent. The term "concurrently" is being added to require that the Department be sent a notification at the same time that the federal EPA is notified.

Section 66262.53 (c): The phrase "and a copy of the notification shall be sent to the Department" is being added to require that a copy of the original notification be sent to the Department. The Department must receive this information to properly review the conditions of the shipment, and to allow for Departmental comments to the primary exporter. This requirement is necessary to ensure proper monitoring of the exportation practices from the State to foreign countries.

Section 66262.53 (c): The address where notifications are to be sent to the Department has been added to provide the primary exporter with an address of record. This should ensure that notifications can be traced by both the Department and the primary exporter. This change was also requested by several commentors during the public comment period ending August 9, 1989.

Section 66262.53 (d): This subsection requires that the primary exporter renotify the federal EPA and the Department of any changes to the conditions of the shipment after original consent has been received to the shipment. The phrase "and the Department" is being added to require that the Department receive this same renotification in the case of changes in the conditions of the shipment.

Section 66262.53 (f) and (g): As a result of public comment references made to "40 CFR" have been amended to read as references to the corresponding state regulations contained in this regulation text. The new citations (i.e., Section 66262.53 (a) or Section 66260.2) reference requirements that are duplicative with the federal reference being amended. These changes are necessary to provide the regulated community with the appropriate requirements subsequent to authorization when the state program will operate in lieu of the federal program, thus making the federal references obsolete.

Section 66262.54 : This section is based on 40 CFR Section 262.54 which establishes the special manifesting requirements for international shipments. New language is being added throughout this section to require that the Department receive copies of reports and renotification. This section conforms to the corresponding federal regulations except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.54 (d): This subsection requires that a statement be added to the manifest describing that the shipment of RCRA hazardous waste conforms to the terms of the attached EPA Acknowledgment of Consent. The phrase "For RCRA hazardous waste" is being added to clarify that the requirement only applies to shipments of RCRA hazardous waste.

Section 66262.54 (e): This subsection requires that the primary exporter obtain the manifest form from the Department. The phrase "primary exporter's State if that State supplies the manifest form and requires its use. If the primary exporter's State does not supply the manifest form, the primary exporter may obtain a manifest form from any source." is being deleted and replaced with the term "Department" to be consistent with existing regulations.

Section 66262.54 (g)(1): This subsection establishes the renotification requirements when a shipment cannot be delivered to the designated or alternate consignee. The phrase "and the Department" is being added to make it a requirement that the primary exporter notify the Department of a change in the original notification. This change is necessary to conform with the requirements of Section 66262.53 (c).

Section 66262.54 (g)(1): The phrases "for RCRA hazardous waste" and "for both RCRA hazardous waste and non-RCRA hazardous waste" are being added to clarify which agency is to be renotified if the shipment cannot be delivered to the designated or alternate consignee. This change was made as a result of a comment received during the public comment period ending August 8, 1989, and also was necessary to delineate which agency should be notified in these cases and for each waste type.

Section 66262.54 (g)(1): The phrase "and obtain an EPA Acknowledgment of Consent prior to delivery" is being deleted because this phrase is redundant with the reference made to Section 66262.53 (c). The requirements of Section 66262.53 (c) are more descriptive for the process of renotification than the language being deleted.

Section 66262.54 (h): This subsection requires that the EPA Acknowledgment of Consent be attached to the manifest for shipments of RCRA hazardous waste. The phrase "for RCRA hazardous waste" is being added to clarify that this requirement only applies to shipments of RCRA hazardous wastes. This distinction is necessary because shipments of non-RCRA hazardous waste do not require an EPA Acknowledgment of Consent and, therefore, to eliminate confusion this clarification is being made.

Section 66262.54 (i): This subsection requires that the primary exporter provide the transporter with a copy of the manifest for delivery to the U.S. Customs official at the point of departure. The phrase "For RCRA hazardous waste" is being added to clarify that this requirement only applied to shipments of RCRA hazardous wastes. There is no equivalent state requirement for non-RCRA hazardous wastes and, therefore, to eliminate confusion this clarification is being made.

Section 66262.55 : This section is based on 40 CFR Section 262.55 and Title 22 CCR, Section 66515 which establish the requirements for the filing of exception reports when written confirmation of receipt of delivery has not been received by the primary exporter. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.55: In the introductory paragraph, the phrase "for RCRA hazardous waste, or with the Department for non-RCRA hazardous waste" is being added to specify which agency should be sent the exemptions reports for each type of waste and to make it a requirement that the Department receive the same exception report which the primary exporter sends to the federal EPA. This change is necessary to conform with

existing requirements of Title 22 CCR, Section 66515 and HSC Section 25150.2.

Section 66262.56: This section is based on 40 CFR Section 262.56 which establishes the annual reporting requirements for primary exporters of hazardous wastes. Changes have been made to this section to require that the Department be provided with a copy of the annual report which the primary exporter submits to the federal EPA. These changes are consistent with 40 CFR Section 271.10 provisions for state programs and with HSC Section 25150.2 requirements. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.56 (a): This subsection establishes the requirement that a primary exporter file an annual report describing the exported wastes during the previous calendar year. The phrase "and the Department" is being added to require that the Department receive the same annual report which the EPA receives for exports. This addition is necessary so that the Department can adequately monitor and track hazardous wastes exported from the State abroad.

Section 66262.56 (a): The phrase "to a foreign country from the State" is being added to clarify that these regulations apply only to the exportation of hazardous wastes from this State. This addition is necessary because the Department does not have the need for information on the exportation of hazardous wastes from other states.

Section 66262.56 (a)(4): This paragraph specifies the types of information on each hazardous waste which will be included on the annual report. The phrase "if applicable" is being added to clarify that not all hazardous wastes listed in Chapter 11, Articles 3 and 4 will have an EPA hazardous waste number. Some non-RCRA hazardous wastes will not have a hazardous waste number identified under Subtitle C of RCRA.

Section 66262.56 (a)(4): The term "California Hazardous Waste Code Number" is being added to make allowance for hazardous wastes listed as non-RCRA hazardous wastes and therefore do not have an EPA hazardous waste number under the federal program. This change is necessary to conform with existing state regulations.

Section 66262.56 (a)(5): This paragraph describes the information required to be included in the annual reports during even number years. The phrase "Except for hazardous waste produced by exporters of greater than 100 kg but less than 1000 kg in a calendar month," is being deleted because existing state regulations do not recognize the conditional exemptions offered to small quantity generators producing

hazardous wastes within these stated quantities. This change is necessary to conform with existing state regulations.

Section 66262.56 (b): This subsection establishes where the annual reports are to be submitted. The sentence "A copy of each report shall be sent to the Department at the following address: ... Sacramento, CA 94234-7320." is being added to require that a copy of the report be sent to the Department. The address is being added because of a comment received during the public comment period ending August 9, 1989 and because to provide the primary exporter with an address of record. This should ensure that notifications can be traced by both the Department and the primary exporter. This requirement is consistent with the provisions of 40 CFR Section 271.10 and is necessary for the Department to monitor and track the exportation of hazardous wastes from the State.

Section 66262.57 : This section is based on 40 CFR Section 262.57 which establishes the recordkeeping requirements for a primary exporter of hazardous wastes. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.57 (a): This subsection specifies the documents which the primary exporter will keep for the export of hazardous wastes. These records and reports will be kept for a period of at least three years from either the date the waste was accepted by the initial transporter or the date the report was due (March 1). The term "hazardous waste" is being added to clarify that these requirements are applicable for only hazardous waste exporting activities.

Section 66262.57 (a): The phrase "to a foreign country from the State" is being added to clarify that these requirements only apply to the exportation of hazardous waste from this State. The Department does not have the authority to require the retention of records for hazardous wastes activities conducted in other states.

Section 66262.57 (a)(1): The phrase "for both RCRA hazardous waste and non-RCRA hazardous waste" is being added to specify and clarify that this requirement applies to both waste types regulated under this article.

Section 66262.57 (a)(2): The phrase "For RCRA hazardous waste" is being added to clarify that retention of EPA Acknowledgment of Consents would only apply in cases of RCRA hazardous waste shipments.

Section 66262.57 (b): This subsection allows for the extension of the three year retention time period referred to

in subsection (a) of this section during any unresolved enforcement actions. The phrase "or the Department" is being added to clarify that both the USEPA Administrator and the Department can request the extension of the period of retention for enforcement action. This addition is necessary to maintain the enforcement of this article by both the USEPA and the Department.

Title 40 CFR Section 262.58: This section titled "International agreements" is being deleted because the Department does not have the authority to enter into international agreements with foreign governments. This section contains no regulatory requirements.

Article 6: IMPORTS OF HAZARDOUS WASTE

Article OVERVIEW: This article is based on 40 CFR Section 262.60 and Title 22 CCR, Section 66515 which establish the requirements for the importation of hazardous waste from a foreign country into the State.

Section 66262.60: This section is based on 40 CFR Section 262.60 which establishes the general requirements for any person importing hazardous waste into the State and which requires special manifest procedures. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Section 66262.60 (a): This subsection requires that any person importing hazardous waste from a foreign country to the State comply with the requirements of Chapter 12 of this division and with any special requirements of this article. The term "United States" is being deleted and replaced with the phrase "to a designated facility within the State" to clarify that these requirements only apply to the importation of hazardous wastes into this State and do not apply for importation into other states or through the State. This amendment was also made as a result of a comment made during the public comment period ending August 9, 1989.

Section 66262.60 (b)(2): This subsection requires that the importer's signature or the importer agent's signature be placed in the generator's certification place on the manifest. As a result of a comment made during the public comment period ending August 9, 1989 the term "importer's" is being added to clarify that the agent is acting on behalf of the importer in such cases of shipments arranged by intermediary agents.

Section 66263.60 (b)(3): This subsection is being added to clarify that DHS Form 8022 A must be used for hazardous waste imported to the U.S. through the state to a designated

facility outside of the state.

Section 66262.60 (c): This subsection requires the person who imports hazardous wastes into the state to obtain a manifest from the Department. The phrase "consignee State if the State supplies the manifest and requires its use. If the consignee State does not supply the manifest form, then the manifest form may be obtained from any source." is being deleted and replaced by the term "Department" to be consistent with existing regulations.

Article 7 FARMERS:

This article contains one section which is based on 40 CFR section 262.70, 40 CFR section 261.7, and title 22, CCR, section 66300 (e) (5). This section conforms to the current federal and State exemption for farmers. The Department is proposing a modified version of the current federal and State language to more clearly reflect the EPA's original intent as stated in Federal Register Vol. 43, No. 243, pg. 58946, December 18, 1978 and Federal Register Vol. 45, No. 39, pg. 12722, February 26, 1980. The EPA allows the disposal of waste pesticides in accordance with the instructions on the pesticide label with the expectation that the Federal Insecticide, Fungicide, and Rodenticide Act will control the disposal activity by providing adequate disposal instructions. The rinsate generated from the triple rinsing activity is expected to be used as make-up water at an application rate consistent with the label instructions. In the absence of adequate disposal instructions on the label, the farmer must manage the waste pesticides and the rinsate in compliance with the RCRA, Subtitle C regulations. Disposal instructions vary from manufacturer to manufacturer. Rather than debate the issue of what are "adequate" disposal instructions, the Department modified the language to clarify that use of waste pesticides and rinsate in accordance with the use instructions on the label is exempt from hazardous waste regulation. This is in agreement with the EPA's interpretation that the use of pesticide residues and rinsate in accordance with the pesticide label does not constitute disposal of the pesticide, and therefore, is not subject to hazardous waste regulations. New language is also being proposed which would clarify that pesticide containers and inner liners removed from pesticide containers must meet specified conditions to be exempt from hazardous waste regulation. Although both the current federal and State versions of this regulation refer to "farmers", the Department wishes to clarify that the exemption applies to both "independent farmers" and "commercial farming operations". Therefore, the term "farmer" has been changed to "commercial farming operation". An independent farmer operating a farm as a commercial business is intended to be included in the term "commercial farming operation". Section 66262.70 was divided into two subsections as follows:

Section 66262.70 (a) is based on 40 CFR 262.70. The language was modified to specifically state that if waste pesticides, and rinsate generated according to proposed subsection (b) of this section, are applied as part of the commercial farming operation in accordance with the use instructions on the label, the wastes are not required to comply with this chapter and chapters 14, 15, 18, and 20. This change was necessary to clarify that general disposal of waste pesticides on a farmer's own farm is not the intent of this exemption. General disposal of waste pesticides onto land may pose a significant hazard to human health and the environment, whereas if waste pesticides and rinsate are applied in accordance with the use instructions (i.e., used at an

application rate and on a target pest for which the pesticide is registered) the activity is not subject to regulation.

Section 66262.70 (b) sets forth the required handling procedure for pesticide containers or inner liners generated from a commercial farming operation. The phrase "or inner liner from each pesticide container" was added because the inner liner, if present, is presumed to be the contaminated portion of a container which could pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed. The requirement that the contents be removed by draining, pouring, pumping, or aspirating is adopted from the federal requirement in 40 CFR section 261.7 (b)(1)(i). This requirement is necessary to assure that all contents which can be removed by common emptying practices are removed to minimize the volume of residue remaining in the container; and therefore, minimize the volume and the concentration of the rinsate generated from the triple rinsing activity. The triple rinsing requirement is based on the federal requirement in 40 CFR section 261.7 (b)(3)(i) and the State requirement in title 22, CCR, section 66300 (e)(5). Currently, the EPA requires farmers to triple rinse containers that held an acute hazardous waste listed in 40 CFR section 261.33 (e), whereas, the Department requires farmers to triple rinse all pesticide containers before disposing of the containers as nonhazardous waste. The triple rinsing requirement is necessary to maintain the current level of stringency.

Section 66262.70 (b)(1) requires that exempt containers and liners which are disposed of must first be destroyed. Destruction prior to disposal is required so containers and liners cannot be inappropriately reused. Despite the fact that the containers and liners will be rinsed, some residue may remain which could pose a hazard to human health or the environment if the container or liner is reused rather than disposed.

Section 66262.70 (b)(2) sets forth an alternative to disposal. Containers that are triple rinsed with a liquid capable of dissolving the remaining residue, changed so they cannot be used or reused, and recycled for their scrap value will not be regulated as hazardous waste. The Department promotes recycling as an alternative to disposal. By providing an exemption from regulation for containers that are recycled in accordance with this paragraph, the Department is offering an incentive for commercial farming operations to recycle these containers.

Section 66262.70 (b)(3) is based on Health and Safety Code section 25143.2 (d)(6). This paragraph conforms to existing State law which provides an exemption from regulation when

containers are returned to a supplier for reuse under specified conditions.

Appendix to Chapter 12: This is based on the Appendix to 40 CFR Part 262, which establishes instructions for generators, transporters, and owners or operators of treatment, storage, or disposal facilities to use when completing the Uniform Hazardous Waste Manifest and the federal continuation form. This section conforms to the corresponding federal regulation except for the generic changes specified in the introduction to this Statement of Reasons and as follows:

Page 3, 2ND paragraph: The term "EPA" is being added to clarify that the form referenced is EPA's Continuation Form 8700-22A.

Item 8: U.S. EPA ID Number. The heading "Note" is being deleted. The language in this note states that the provisions of 40 CFR Appendix to Part 262, which specifies when the EPA Continuation form 8700-22A is to be used, are applicable when more than one transporter is used to transport hazardous waste. This language is regulatory in nature and must be included in the body of the regulations.

Item 11: U.S. DOT Description including proper shipping name, hazard class, and ID Number. The term "RCRA hazardous" is being added to differentiate between RCRA and non-RCRA hazardous waste when listing the proper ID numbers.

Item 11 and Item 28: New language is being added to specify the process for the proper description of non-RCRA hazardous waste. These subsections establish the process for describing hazardous waste using the U.S. DOT hazard class. All RCRA hazardous wastes have a corresponding description, but not all non-RCRA hazardous wastes have a description.

Item 11: The heading "Note" is being deleted. The language in this note states that the provisions of 40 CFR Appendix to Part 262, which states when the EPA Continuation form 8700-22A should be used, are applicable when additional space is needed for waste descriptions.

Item 13: Total Quantity. Language is being added to clarify the decimal point should be placed on the line in one character space. The manifest allows for the use of one decimal point when describing the total quantity of waste. The decimal point is not always placed on the line or legible.

Item 15 and Item 32: Special Handling Instructions and Additional Information. The sentence "States may not require additional new or different information in this space" is being deleted. EPA retains the authority to determine what information may be requested in this space. It is not necessary to indicate this in California's instructions for completing the manifest. Since this Appendix is intended for

use by persons completing the manifest, rather than the State, this sentence might be confusing if it were retained.

Item 16: 2nd Paragraph: The heading "Note" is being deleted. The language in this note states that the provisions of 40 CFR Appendix to Part 262, which specifies that the generators certification language may be pre-printed except for the handwritten signature that is required, are applicable to generators when completing the generator's certification statement.

Item 16 and Item 32: Items A-K are being added. These are the State required fields on the manifest. Section 66481 requires these fields to be completed by generators of hazardous waste. This addition is necessary to maintain current State requirements.

Item 16: The 2nd paragraph is being deleted which specifies that a generator certify a waste minimization program or a practicable method of treatment, storage, disposal or a waste management method is in place to reduce the volume and toxicity of waste generated. Title 22 CCR does not allow for the exemption of any generator from the waste minimization certification statement. This is more stringent than federal regulations.

Item 18: Transporter 2 Acknowledgement of Receipt of Materials. The heading "Note" is being deleted. The language in the note states that the provisions of 40 CFR Appendix to Part 262, which establishes manifest requirements for International Shipments, are applicable to transporters who transport hazardous waste into the United States from another country.

Item 18: The phrase "California Code of Regulations" has been added to the corresponding federal regulation. This specifies that the manifest is required by federal and State regulations.

Item 18: "California" is being added to reference the Uniform Hazardous Waste Manifest. Section 66481 sets forth the requirement for use of the State manifest when receiving hazardous waste.

Item 18: The phrase "to a designated facility within the State is being inserted after the word "country" and before the word "shall". This language clarifies that California regulates waste within the State only.

Item 19: Discrepancy Indication Space. The language which refers to owners and operators in unauthorized states where EPA administers the hazardous waste management program is being deleted. This subsection specifies that owners and

operators of facilities who have unresolved discrepancies submit a letter to the authorized agency. Title 22 CCR sets forth requirements for California facilities only.

Item 19: The listing of regional administrators for other states is being deleted. This list is used as additional information in the federal regulations. Title 22 CCR format does not allow for this insertion.

Item 20: Facility Owner or Operator: Certification of Receipt of Hazardous Materials Covered by This Manifest Except as Noted in Item 19. Item G-K are being added. These are State required fields on the manifest. Section 67161 requires these fields to be completed by treatment, storage or disposal facilities accepting the hazardous waste. This change is necessary in order to maintain current state requirements.

Item 20, 2nd Paragraph: This paragraph is being deleted; it states that Items A-K are not required under federal regulations. However, section 66481 currently requires these items be completed. This change is necessary in order to maintain current state requirements.

Item 28: The word "shall" is used in lieu of "should".

Item 35: Discrepancy Indication Space. This subsection is being deleted. It states that Items L-R are not required to be completed under federal regulations. However, section 66481 currently requires these that items be completed. This change is necessary in order to maintain current state regulatory requirements.