

Chapter 13: Standards Applicable to Transporters of Hazardous Waste

Article 1. General

66263.10. Applicability.

(a) These regulations establish standards which apply to persons transporting hazardous waste within, into, out of or through the State if the transportation requires a manifest under Section 25160 of the Health and Safety Code.

(b) These regulations do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

(c) A transporter of hazardous waste shall also comply with standards applicable to generators of hazardous waste under Chapter 12 of this division if the transporter:

(1) Transports hazardous waste to a designated facility within the State from outside the United States; or

(2) Mixes hazardous wastes of different Federal Department of Transportation (DOT) shipping descriptions by placing them into a single container.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5 and 25160, Health and Safety Code.

Reference: Sections 25159 and 25159.5, Health and Safety Code, 40 CFR Section 263.10.

66263.11. Application for Registration as a Hazardous Waste Transporter.

(a) A person desiring registration as a hazardous waste transporter shall apply to the Department by submitting each of the following:

(1) A completed and signed Hazardous Waste Hauler Application form (Form EH 187, Rev. 8/89), provided by the Department, which contains a statement certifying that the applicant understands and will comply with the applicable requirements of this chapter.

(2) A list of all vehicles and containers requiring certificates of compliance pursuant to Section 66263.14, on a completed and signed Application for Vehicle/Container Inspection form (Form DHS 8025, Rev. 6/90), provided by the Department. The vehicles listed must be registered to the applicant in conformance with Division 3 of the California Vehicle Code or under control of the applicant pursuant to a written lease or contract and are included in the applicant's required insurance coverage.

(3) Proof of ability to provide adequate response in damages resulting from the operation of the person's business. For the purpose of this section, adequate response means protection against liability for the payment of damages equivalent to protection required by General Order No. 100-Series of the California Public Utilities Commission. Both of the following are required:

copy of the insurance policy, if insured, for the required shall be maintained at the transporter's principal place of business within California; and

(B) A Certificate of Insurance, a bond of a California licensed surety company, or evidence of qualification as a self-insurer, shall be provided to the Department which indicates that the minimum coverage has been obtained.

(4) Proof that all trucks, trailers, semitrailers, vacuum tanks, cargo tanks and containers which are to be used by the applicant for transportation of hazardous waste on highways and which are subject to the provisions of this chapter have passed an annual inspection by the Department of California Highway Patrol.

(5) Fees for registration as required by Section 25166 of the Health and Safety Code and fees for inspection as required by Section 2560 of the Vehicle Code.

(6) A completed and signed disclosure statement, as defined by Section 2511<sup>2</sup>~~7~~.5 of the Health and Safety Code, if the applicant is not a federal, state or local agency.

(b) If previously registered, the applicant shall submit an application to the Department at least 45 days prior to the expiration date of the current registration.

(c) The Department shall review applications under Section 66263.11 for completeness and shall inform the applicant in writing either that the application is complete and accepted for filing, or that the application is deficient and what specific information, documentation or fees, if any, shall be required to complete the application. The Department shall inform the applicant within fourteen calendar days of receipt of an application for hazardous waste transporter registration. Registration shall be denied unless a complete application is submitted.

(d) The Department shall notify the applicant, in writing, of the Department's decision regarding the completeness of an application. The notification shall be within fourteen calendar days after the date on which the Department determines the application to be complete and accepted for filing pursuant to subsection (c) of this section for hazardous waste transporter registration applications.

NOTE: Authority cited: Sections 208, 25150, 25168.1 and 25186, Health and Safety Code; Section 15376, Government Code.

Reference: Section 15376, Government Code; Sections 25112.5, 25159, 25163, 25165, 25165.1, 25166, 25166.5, 25167, 25168 and 25169, Health and Safety Code; Section 2560, Vehicle Code, General Order No. 100-series of the California Public Utilities Commission.

66263.12. Term of Registration.

Registration as a Hazardous Waste Transporter shall expire one year from the date of issuance.

NOTE: Authority cited: Sections 208, 25150 and 25168.1, Health and Safety Code.

Reference: Sections 25159, 25163, 25165, 25166 and 25167, Health and Safety Code.

66263.13. Inspection of Transporter.

(a) Any person who transports or proposes to transport hazardous waste on a highway shall do all of the following in order to ensure compliance with this chapter:

(1) Allow the Department of California Highway Patrol and the Department to inspect jointly the person's trucks, trailers, semitrailers, vacuum tanks, cargo tanks and containers.

(2) Make vehicles and containers available for inspection at a safe work location.

(3) Allow the Department to inspect manifests, reports, permits, licenses, billing records and other documents related to the handling or transporting of hazardous wastes.

(4) Make available to the Department and the Department of California Highway Patrol, when requested, all records of inspection required by Section 1163(e), Title 13, California Code of Regulations.

(b) Hazardous waste transporters, their trucks, trailers, semitrailers, vacuum tanks, cargo tanks and containers shall at all times comply with the Vehicle Code; with regulations adopted by the Department of California Highway Patrol, Subchapter 2, commencing with Section 620, Subchapter 4, commencing with Section 930, Subchapter 6, commencing with Section 1150, and Subchapter 6.5,

commencing with Section 1200, Chapter 2, Title 13, California Code of Regulations; and with this chapter. Notwithstanding the provisions of Section 1200, Chapter 2, Title 13, California Code of Regulations, all vehicles used for transporting hazardous waste on a highway shall be subject to the provisions of Subchapter 6.5, commencing with Section 1200, Chapter 2, Title 13, California Code of Regulations.

(c) The Department of California Highway Patrol or the Department may require testing, under prescribed conditions, of trucks, trailers, semitrailers, vacuum tanks, cargo tanks or containers used to transport hazardous wastes, in order to ensure compliance with this chapter.

(d) When so requested by the Department of California Highway Patrol or the Department, a hazardous waste transporter shall, within a reasonable period of time, perform any or all of the following actions:

(1) Remove hazardous wastes or materials from the tank's containers, pipes, hoses or other appurtenances of a truck, trailer, semitrailer, vacuum tank, cargo tank or container in order to make it safe to inspect.

(2) Remove covers and take other steps necessary to allow inspection.

(3) Present the manifest for the waste last held in each truck, trailer, semitrailer, vacuum tank, cargo tank or container to be inspected.

(e) Each hazardous waste transporter shall arrange for an inspection by the Department of California Highway Patrol prior to expiration of any certification or date assigned for annual inspection.

(f) All vehicles and containers requiring certificates of compliance pursuant to Section 66263.14 and any attached equipment must be in sound condition and containers must be designed or maintained to contain hazardous waste.

NOTE: Authority cited: Sections 208, 25150 and 25168.1, Health and Safety Code.

Reference: Sections 25159, 25168, 25169.1, 25185 and 25186, Health and Safety Code; and Sections 34001 to 34102, Vehicle Code.

66263.14. Certificate of Compliance.

(a) A certificate of compliance issued by the Department shall be placed on each truck, trailer, semitrailer, vacuum tank, cargo tank and container which has passed inspection by the Department of California Highway Patrol as required by Section 25168.1 of the Health and Safety Code. The certificate shall be affixed on the front right-hand side of the truck, trailer, semitrailer, vacuum tank, cargo tank or container and shall be clearly visible. The certificate of compliance shall not be displayed unless the truck, trailer, semitrailer, vacuum tank, cargo tank or container has passed its annual inspection by the California Highway Patrol.

(b) The certificate of compliance shall not be displayed by any person who is not registered with the Department as a hazardous waste transporter.

(c) The certificate of compliance shall expire simultaneously with the expiration date of the hazardous waste transporter registration, unless the Department determines in writing that a simultaneous expiration date would place an undue burden upon the applicant.

NOTE: Authority cited: Sections 208, 25150 and 25168.1, Health and Safety Code.

Reference: Sections 25159, 25168, 25168.3 and 25169.1, Health and Safety Code.

66263.15. Transporter Registration Reporting Requirements.

(a) A registered hazardous waste transporter shall notify the Department in writing within 30 days of the following occurrences:

- (1) The transporter changes majority ownership, name or location.
- (2) Ownership or control of a vehicle or container certified by the Department is changed.

(3) A truck, trailer, semitrailer, vacuum tank, cargo tank, or container certified by the Department is involved in any spill, or in an accident which renders or may have rendered the vehicle or container in noncompliance with the requirements of this chapter.

(b) A registered hazardous waste transporter shall notify the Department in writing immediately upon notice of loss of the liability coverage specified in Section 66263.11. A transporter shall cease to transport hazardous waste upon loss of liability coverage.

NOTE: Authority cited: Sections 208, 25150 and 25168.1, Health and Safety Code.

Reference: Sections 25159, 25163, 25169 and 25186, Health and Safety Code.

66263.16. Hazardous Waste Containers.

(a) Each truck, trailer, semitrailer, vacuum tank, cargo tank or container used for shipping hazardous waste shall be so designed and constructed, and its contents so limited, that under conditions normally incident to transportation, there shall be no release of hazardous waste to the environment.

(b) Any truck, trailer, semitrailer, vacuum tank, cargo tank or container used for shipping hazardous waste shall be free from leaks and all discharge openings shall be securely closed during transportation.

NOTE: Authority cited: Sections 208, 25150 and 25168.1, Health and Safety Code.

Reference: Sections 25163 and 25168.1, Health and Safety Code.

66263.17. Identification Number for Transporters.

(a) A transporter shall not transport hazardous wastes without first receiving an Identification Number and a registration certificate from the Department.

(b) A transporter who has not received an Identification Number may obtain one by applying to the USEPA Administrator or to the Department using EPA Form 8700-12 (Rev. 11/85). Upon receiving the request, the Department or the USEPA Administrator will assign an Identification Number to the transporter.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5, 25165 and 25168.1, Health and Safety Code.

Reference: Sections 25159, 25159.5 and 25165, Health and Safety Code, 40 CFR Section 263.11.

66263.18. Transfer Facility Exemption.

A transfer facility, as defined in Section 25123.3(c) of the Health and Safety Code, is not subject to the requirements of chapters 14, 15, 18 and 20 regarding a permit for waste storage when, during the normal course of transportation, hazardous wastes are held for no more than 144 hours, and:

(a) Manifested shipments of packaged or containerized hazardous wastes meeting the packaging requirements of Section 66262.30 are only transferred from one vehicle to another; and

(b) The packages or containers used in this transfer shall be the same packages or containers used for transporting the hazardous wastes and no additional handling shall take place.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5 and 25168.1, Health and Safety Code.

Reference: Sections 25123.3, 25159 and 25159.5, Health and Safety Code, 40 CFR Section 263.12.

Article 2. Compliance With the Manifest System and Recordkeeping

66263.20. Manifest Procedures for the Transporter.

(a) A transporter shall not accept hazardous waste from a generator unless it is accompanied by a manifest completed and signed in accordance with the provisions of Article 2, Chapter 12 of this division. In the case of RCRA hazardous waste exports, a transporter may not accept such waste from a primary exporter or other person (1) if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent; and (2) unless, in addition to a manifest signed in accordance with the provisions of Article 2, Chapter 12 of this division, such waste is also accompanied by an EPA Acknowledgment of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)).

(b) Before transporting the hazardous waste, the transporter shall complete, sign and date the Transporter of Waste section of the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter shall return a signed copy to the generator prior to removal of the waste from the generator's facility.

(c) The transporter shall ensure that the manifest accompanies the hazardous waste. In the case of RCRA hazardous waste exports, the transporter shall ensure that a copy of the EPA Acknowledgment of Consent also accompanies the hazardous waste.

(d) The transporter shall have a manifest in the transporter's possession while transporting the hazardous waste and shall release the manifest to the owner or operator of the hazardous waste facility accepting the waste.

(e) A transporter transporting hazardous wastes into or out of the State shall have in their possession a manifest with the Generator of Waste and Transporter of Waste sections completed.

(f) The transporter shall submit to the Department a legible copy of the manifest completed by the generator, transporter and hazardous waste facility owner or operator for each load of hazardous waste transported out of the State, within 15 days of the date that the load is accepted by the designated facility on the manifest. The manifest shall state the name and complete address of the hazardous waste facility to which the waste is transported.

(g) A transporter who delivers a hazardous waste to another transporter or to the designated facility shall:

(1) Obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest; and

(2) Retain one copy of the manifest in accordance with Section 66263.22; and

(3) Give the remaining copies of the manifest to the accepting transporter or designated facility.

(h) The requirements of subsections (c), (g) and (i) of this section do not apply to water (bulk shipment) transporters if:

(1) The hazardous waste is delivered by water (bulk shipment) to the designated facility; and

(2) A shipping paper containing all the information required on the manifest (excluding the Identification Numbers, generator certification, and signatures) and, for RCRA hazardous waste exports, an EPA Acknowledgment of Consent accompanies the hazardous waste; and

(3) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper; and

(4) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

(5) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with Section 66263.22.

(i) For shipments involving rail transportation, the requirements of subsections (c), (e), (g) and (h) do not apply and the following requirements do apply:

(1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter shall:

(A) Sign and date the manifest acknowledging acceptance of the hazardous waste;

(B) Return a signed copy of the manifest to the non-rail transporter;

(C) Forward at least three copies of the manifest to:

1. The next non-rail transporter, if any; or,
2. The designated facility, if the shipment is delivered to that facility by rail; or
3. The last rail transporter designated to handle the waste in the United States;

(D) Retain one copy of the manifest and rail shipping paper in accordance with Section 66263.22.

(2) Rail transporters shall ensure that a shipping paper containing all the information required on the manifest (excluding the

Identification Numbers, generator certification, and signatures) and, for exports of RCRA hazardous waste an EPA Acknowledgment of Consent accompanies the hazardous waste at all times. Intermediate rail transporters are not required to sign either the manifest or shipping paper.

(3) When delivering hazardous waste to the designated facility, a rail transporter shall:

(A) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(B) Retain a copy of the manifest or signed shipping paper in accordance with Section 66263.22.

(4) When delivering hazardous waste to a non-rail transporter a rail transporter shall:

(A) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

(B) Retain a copy of the manifest in accordance with Section 66263.22.

(5) Before accepting hazardous waste from a rail transporter, a non-rail transporter shall sign and date the manifest and provide a copy to the rail transporter.

(j) Transporters who transport hazardous waste out of the United States from the State of California shall:

(1) Indicate on the manifest the date the hazardous waste left the United States from the State; and

(2) Sign the manifest and retain one copy in accordance with Section 66263.22 (c); and

(3) Return a signed copy of the manifest to the generator; and

(4) For RCRA hazardous waste, give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5, 25160, 25161 and 25162, Health and Safety Code.

Reference: Sections 25150, 25159, 25159.5, 25160 and 25162, Health and Safety Code, 40 CFR Section 263.20.

66263.21. Transporter Compliance with the Manifest.

(a) The transporter shall deliver the entire quantity of hazardous waste which that transporter has accepted from a generator or a transporter to:

- (1) The designated facility listed on the manifest; or
- (2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or
- (3) The next designated transporter; or
- (4) The place outside the United States designated by the generator.

(b) If the hazardous waste cannot be delivered in accordance with paragraph (a) of this section, the transporter shall contact the generator for further directions and shall revise the manifest according to the generator's instructions.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5 and 25160, Health and Safety Code.

Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code, 40 CFR Section 263.21.

66263.22. Recordkeeping Requirements for the Transporter.

(a) A transporter of hazardous waste shall sign and keep a copy of the manifest signed by the generator and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(b) For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter must retain a copy of the shipping paper containing all the information required in Section 66263.20(9)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(c) For shipments of hazardous waste by rail within, into, out of or through the State:

(1) The initial rail transporter within the State shall keep a copy of the manifest and shipping paper with all the information required in Section 66263.20(h)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter; and

(2) The final rail transporter within the State shall keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the hazardous waste was accepted by the initial

transporter. Intermediate rail transporters are not required to keep records pursuant to these regulations.

(d) A transporter who transports hazardous waste out of the United States from the State of California shall keep a copy of the manifest indicating that the hazardous waste left the United States for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(e) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5, 25160 and 25161, Health and Safety Code.

Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code, 40 CFR Section 263.22.

66263.23. Operation Requirements for the Transporter.

(a) The transporter of a hazardous waste shall comply with requirements of this division and with applicable provisions of hazardous materials regulations adopted by the Department of California Highway Patrol, Article 3, commencing with Section 1160, subchapter 6, Chapter 2, Title 13, California Code of Regulations, pursuant to Sections 34500 and 34501, Vehicle Code, governing containers, packing, labels, marking, vehicle placards, shipping papers, loading, shipping certificates and incident reporting.

(b) No transporter shall deliver hazardous waste to other than a hazardous waste facility which has an appropriate and valid Hazardous Waste Facility Permit or which is otherwise authorized by the Department to receive the waste.

(c) The transporter shall use a covered container to transport hazardous waste that are subject to volatilization or dispersal by wind.

(d) No transporter shall transport, store or handle any hazardous waste upon a highway in a vehicle or container requiring a certificate of compliance which is not certified by the Department.

(e) Every vehicle used by a transporter to transport hazardous waste shall have the name or trademark of the firm on each side of the vehicle or container. The lettering shall be a color

contrasting with the background so as to be readily legible during daylight from a distance of 50 feet.

NOTE: Authority cited: Sections 208, 25150 and 25168.1, Health and Safety Code.

Reference: Sections 25162, 25163, 25168, 25169.1 and 25186, Health and Safety Code.

Article 3. Hazardous Waste Discharges

66263.30. Immediate action by the Transporter in the Case of a Hazardous Waste Discharge.

(a) In the event of a discharge of hazardous waste during transportation, the transporter shall take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

(b) If a discharge of hazardous waste occurs during transportation and a representative of the Department, any local health officer or any local public officer as designated by the Department, or any federal agency official, acting within the scope of that person's official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have Identification Numbers, are not registered, and without the preparation of a manifest.

(c) An air, rail, highway, or water transporter who has discharged hazardous waste shall:

(1) Give notice, if required by Title 49 CFR Section 171.15, (as amended October 1, 1987,) to the National Response Center (800-424-8802 or 202-426-2675); and

(2) Report in writing as required by Title 49 CFR Section 171.16 (as amended April 1, 1984) to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590, and the Department as required by Section 66263.15(a)(3).

(d) A water (bulk shipment) transporter who has discharged hazardous waste shall give the same notice as required by Title 33 CFR Section 153.203 (as amended July 1, 1988) for oil and hazardous substances.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5, 25160 and 25161, Health and Safety Code.  
Reference: Sections 25159, 25159.5, and 25180, Health and Safety Code, 40 CFR Section 263.30.

66263.31. Discharge Clean Up.

A transporter shall clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by Federal, State, or local officials so that the hazardous waste discharge no longer presents a hazard to human health or the environment.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5 and 25168.1, Health and Safety Code.  
Reference: Sections 25159, 25159.5 and 25169, Health and Safety Code; 40 CFR Section 263.31.

Article 4. Regulatory Exemptions for Certain Transportation Operations.

66263.40. Applicability.

(a) This article establishes five special categories of variances for generators and transporters, and procedures for applying those variances. Each variance category corresponds to a type of hazardous waste transportation operation which, if conducted in accordance with the provisions of this article, poses an insignificant risk to human health or to the environment. These transportation operations, and the variance categories which apply to them, are defined in succeeding sections of this article as Milkrun (Section 66263.42), Emergency Response Incident (Section 66263.43), PCB Waste (Section 66263.44), Consolidation (Section 66263.45) and Small Load (Section 66263.46). Each specific variance category section has a specific applicability and set of requirements. The following general requirements shall apply to all sections, except where specifically exempted.

(b) RCRA hazardous waste shall not be transported under the provisions of this article, except as specifically provided.

(c) Except as provided in Section 66263.43 for polychlorinated biphenyl (PCB) waste, extremely hazardous waste shall not be transported under the provisions of this article.

Note: Authority cited: Sections 208, 25143, 25150, 25159, 25161 and 25205.7, Health and Safety Code.

Reference: Sections 25143, 25160, 25168, 25169 and 25169.1, Health and Safety Code.

66263.41. General Requirements.

(a) A transporter shall not transport hazardous waste under the provisions of this article without being registered with the Department.

(b) A transporter who is granted a variance under the provisions of this article is exempt from the requirements of Sections 25160, 25168 and 25169.1 of the Health and Safety Code regarding the use of the manifest, certification of vehicles and containers, and transporter insurance and from the requirements of this division adopted pursuant to those sections. In lieu of those requirements, the requirements of this article shall apply.

(c) The hazardous waste shall be transported in accordance with the regulations of the Department of California Highway Patrol (Title 13, California Code of Regulations, Article 3, commencing with Section 1160, Subchapter 6, Chapter 2), the regulations of the U. S. Department of Transportation (DOT) (Code of Federal Regulations, Title 49, Parts 172, commencing with Section 172.1, and 173, commencing with Section 173.1), and the regulations of the EPA (Code of Federal Regulations, Title 40, Part 263, commencing with Section 263.10). This paragraph shall not be construed to exempt the transporter from any other regulation unless expressly stated.

(d) A transporter who intends to operate under a variance category defined by this article shall apply to the Department by submitting a Transporter Regulatory Exemption Application/Variance form (Form DHS 8463, Rev. 1/91), provided by the Department, before initiating the operation and at each renewal of their Hazardous Waste Transporter Registration. The application shall be signed by the transporter and shall include the following information:

(1) Name, mailing address, telephone number, EPA or State ID number and the Hazardous Waste Transporter Registration Number;

(2) The type or types and the physical characteristics and chemical composition of hazardous wastes to be transported under each variance;

(3) The specific section of this article corresponding to the variance category that best describes the transporter's intended operation(s) during the subsequent year;

(4) The estimated quantities of hazardous wastes listed pursuant to subparagraph (2) of this subsection.

(e) The Department shall review the application/variance form for completeness and for applicability of the provisions of this article to the intended transportation operation. A variance granted pursuant to this article shall be effective upon completion of the application/variance form by the Department and issuance to

the transporter, in accordance with Health and Safety Code Section 25143 and Section 66260.210 of this division.

(f) Any transporter applying for and receiving a variance under this article shall be exempt from the variance fee prescribed in subdivision (g) of the Health and Safety Code, Section 25205.7, provided such exemption is specifically requested in the application and specifically authorized by the Department.

(g) The transporter shall send a copy of the variance to the generator prior to operating under the variance to evidence authority for such operation.

(h) An accident report regarding any hazardous waste transported pursuant to this article shall be submitted to the Department by the transporter within 10 days of an incident which results in a spill or release to the environment.

(i) Failure to comply with any applicable term of this article shall automatically nullify the exemption.

Note: Authority cited: Sections 208, 25143, 25159 and 25205.7, Health and Safety Code.

Reference: Section 25143, Health and Safety Code.

66263.42. Specific Requirements for Milkrun Operations.

(a) The following may be transported in accordance with the requirements of this Section:

- (1) Spent photographic solutions.
- (2) Ethylene glycol automotive antifreeze.
- (3) Sludge containing sodium hydroxide and heavy metals.
- (4) Dry cleaning solvents (including perchloroethylene).
- (5) Asbestos.
- (6) Inks from the printing industry.
- (7) Chemicals and laboratory packs collected from school districts.
- (8) Automotive parts cleaning solvents.

(b) This Section applies only to hazardous wastes that are either:

- (1) Subject to reclamation agreements with generators of greater than 100 kilograms per month but less than 1,000 kilograms per month pursuant to the requirements of Title 40 of the Code of

Federal Regulations, Section 262.20(e) and 263.20(h), as of July 1, 1988, or

(2) Collected from generators who meet the requirements of Title 40 of the Code of Federal Regulations, Sections 261.5(a) and 251.5(9), as of July 1, 1988, or

(3) Collected from generators of non-RCRA hazardous wastes totaling less than 100 kilograms per calendar month.

(c) A transporter operating in accordance with this Section may transport from any number of generators.

(d) A Uniform Hazardous Waste Manifest (Form DHS 8022A) completed pursuant to the following instructions prior to the first collection shall be in the driver's possession when transporting the above-mentioned hazardous waste. A new manifest shall be completed whenever the driver changes, transport vehicle changes, a new day begins, or upon the last delivery of the hazardous waste to the designated facility. The modified manifesting procedures are as follows:

(1) The transporter shall be responsible for completing both the generator and transporter section of the manifest.

(2) The transporter's name and EPA Identification Number shall be entered in both the generator information and transporter information spaces of the manifest.

(3) The transporter shall attach to the front of the manifest legible copies of the receipts or shipping papers for the waste collected. The receipts or shipping papers shall be used to determine the total quantity of waste in the vehicle. After the waste is delivered, the receipts or shipping papers shall be affixed to the transporter's copy of the manifest. The manifest and receipts or shipping papers shall be kept for three years. The receipts or shipping papers shall contain the following information:

(A) Each generator's name, address and EPA Identification Number.

(B) The name of each generator's contact person, telephone number and signature of the generator's representative.

(C) The transporter's name, address and EPA Identification Number.

(D) The proper shipping name, hazard class and United Nations/North America (UN/NA) identification number, as applicable.

(E) The quantity of waste collected from each generator.

(F) The date the waste was accepted by the transporter.

(G) The name, address and EPA Identification Number, if applicable, of the authorized facility to which the hazardous waste will be transported.

(H) In the case of school chemical collections, the drum number which contains the accepted waste.

(I) The manifest document number.

(4) At the completion of each day, the transporter shall enter the total volume or weight of the waste on the manifest. The total volume or weight shall be the cumulative amount of waste collected from the generators listed on the attached receipts or shipping papers.

(5) The transporter shall sign and date both generator and transporter sections of the manifest and shall submit the generator copy of the manifest to the Department within 30 days of the acceptance of the waste by the transporter.

(6) All copies of the manifest shall be submitted to the treatment, storage or disposal facility (TSDF) operator upon delivery of the waste.

(7) After completion of the TSDF portion, the original manifest shall be submitted to the Department of Health Services within 30 days. The copy of the manifest (Labeled: "Yellow: TSDF SENDS THIS COPY TO GENERATOR WITHIN 30 DAYS") which is otherwise returned to the generator by the TSDF operator shall instead be returned to the transporter.

(e) The transporter shall leave a receipt or shipping paper with the generator for the waste collected. Generators shall keep these receipts or shipping papers for three years.

(f) The period of retention referred to in this Section is extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department.

(g) The hazardous waste shall be delivered to a permitted hazardous waste facility or to a facility which has been granted interim status, or to a facility which has been otherwise authorized to receive hazardous wastes pursuant to Chapter 6.5 of Division 20 of the Health and Safety Code and implementing regulations.

(h) Handling practices and storage time of the hazardous wastes shall be allowed the same exemptions described in Section 66263.18 of this chapter, when applied to handling and storage at transfer facilities.

Note: Authority cited: Sections 208, 25143, 25150 and 25161,  
Health and Safety Code.

Reference: Sections 25117.9, 25143, 25160, 25168, 25169 and  
25169.1, Health and Safety Code.

66263.43. Specific Requirements for Emergency Response Incident Operations.

(a) A transporter operating in accordance with this Section shall be a state, local or county governmental agency emergency response incident unit.

(b) There shall be no restriction on the types of hazardous waste transported by the transporter specified in subsection (a).

(c) The total quantity shall not exceed five 85-gallon drums of hazardous waste from any incident site transported to the transporter's central collection facility.

(d) The transporter is exempt from the requirements of Sections 66263.11(a)(1)(B), 66263.11(a)(3) and 66263.13 regarding the vehicles and containers used to transport the hazardous wastes pursuant to this Section.

(e) The transporter is exempt from the requirements of Sections 66263.20 and 66263.21 regarding the use of the manifest. In lieu of the manifest, the transporter shall use a shipping paper which contains all the information required pursuant to Title 49, Code of Federal Regulations, Part 172, Subpart C. The shipping paper must accompany the hazardous waste when transported from the incident site to the transporter's central collection facility.

(f) Transportation of the hazardous waste from the transporter's central collection facility to a hazardous waste facility shall be performed by a registered hazardous waste transporter using certified vehicles and/or containers. The hazardous waste shall be delivered to a permitted facility or to a facility which has been granted interim status, or to a facility which has been otherwise authorized to receive hazardous waste pursuant to Chapter 6.5 of the Division 20 of the Health and Safety Code and implementing regulations. The hazardous waste shall be properly manifested in accordance with the requirements of this chapter on the use of the Uniform Hazardous Waste Manifest.

(g) In addition to the information required in the application submitted pursuant to Section 66263.40(a)(3), the transporter shall provide the location of the central collection facility.

(h) Hazardous waste at the transporter's central collection facility shall be stored for no longer than 90 days and managed in accordance with Section 66262.34.

(i) The transporter shall keep records of the types and quantities of hazardous wastes handled under this Section at the central collection facility on an annual basis. These records shall be retained for a period of three years from the date the record was completed.

(j) The period of retention referred to in this Section is extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department.

Note: Authority cited: Sections 208, 25143, 25150 and 25161, Health and Safety Code.

Reference: Sections 25143, 25160, 25168, 25169 and 25169.1, Health and Safety Code.

66263.44. Specific Requirements for PCB Waste Operations.

(a) A transporter operating in accordance with this Section shall be any governmental agency or public utility that transports polychlorinated biphenyl (PCB) wastes generated within the transporter's service area. The transporter shall also be the generator of the PCB wastes.

(b) The transporter is exempt from the requirements of Sections 66263.11(a)(1)(B), 66263.11(a)(3) and 66263.13 regarding the vehicles and containers used to transport the PCB wastes pursuant to this Section.

(c) In addition to the information required in the application submitted pursuant to Section 66263.40(a)(3), the transporter shall provide the location of the central collection facility.

(d) The transporter is exempt from the requirements of Sections 66263.20 and 66263.21 regarding the use of the manifest. In lieu of the manifest, the transporter shall use a shipping paper which contains all the information required pursuant to Title 49, Code of Federal Regulations, Part 172, Subpart C. The shipping paper must accompany the PCB wastes when transported from the transporter's service area to the transporter's central collection facility.

(e) Transportation of the PCB wastes from the transporter's central collection facility to a hazardous waste facility shall be

performed by a registered hazardous waste transporter using certified vehicles and/or containers. The PCB wastes shall be delivered to a permitted facility or to a facility which has been granted interim status, or to a facility which has been otherwise authorized to receive hazardous waste pursuant to Chapter 6.5 of Division 20 of the Health and Safety Code and implementing regulations. The PCB wastes shall be properly manifested in accordance with the requirements of this chapter on the use of the Uniform Hazardous Waste Manifest.

(f) Handling practices and storage time of the PCB wastes shall be allowed the same exemptions described in Section 66263.18 of this chapter, when applied to handling and storage at transfer facilities.

(g) The transporter shall keep records of the total quantities of PCB wastes handled at the central collection facility on an annual basis. These records shall be retained for a period of three years from the date the record was completed.

(h) The period of retention referred to in this Section is extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department.

Note: Authority cited: Sections 208, 25143, 25150 and 25161, Health and Safety Code.

Reference: Sections 25143, 25160, 25168, 25169 and 25169.1, Health and Safety Code.

66263.45. Specific Requirements for Consolidation Operations.

(a) A transporter operating in accordance with this Section shall be any person that transports hazardous waste to a nonpermitted, temporary, hazardous waste storage facility in accordance with Section 66263.18 for the purpose of consolidation of waste loads. The transporter shall also be the generator of the hazardous waste.

(b) The transporter is exempt from the requirements of Sections 66263.11(a)(1)(B), 66263.11(a)(3) and 66263.13 regarding the vehicles and containers used to transport the hazardous waste pursuant to this Section.

(c) In addition to the information required in the application submitted pursuant to Section 66263.40(a)(3), the transporter shall provide the location of the temporary hazardous waste storage facility.

(d) The transporter is exempt from the requirements of Sections 66263.20 and 66263.21 regarding the use of the manifest. In lieu of the manifest, the transporter shall use a shipping paper which contains all the information required pursuant to Title 49, Code of Federal Regulations, Part 172, Subpart C. The shipping paper must accompany the hazardous wastes when transported from the place of generation to the transporter's temporary storage facility.

(e) This Section applies only to hazardous wastes that are either:

(1) Collected from generators who meet the requirements of Title 40 of the Code of Federal Regulations, Section 261.5(a) and 261.5(g), as of July 1, 1988, or

(2) Collected from generators of non-RCRA hazardous wastes totaling less than 100 kilograms per calendar month.

(f) The total quantity of each load of hazardous waste transported from the original generation location(s) to the temporary storage facility shall not exceed 100 kilograms.

(g) Transportation of the hazardous wastes from the temporary storage facility to a hazardous waste facility shall be performed by a registered hazardous waste transporter using a certified vehicle and/or containers. The hazardous waste shall be delivered to a permitted facility or to a facility which has been granted interim status, or to a facility which has been otherwise authorized to receive hazardous wastes pursuant to Chapter 6,.5 of Division 20 of the Health and Safety Code and implementing regulations. The hazardous waste shall be properly manifested in accordance with the requirements of this chapter on the use of the Uniform Hazardous Waste Manifest.

(h) Handling practices and storage time of the hazardous wastes shall be allowed the same exemptions described in Section 66263.18 of this chapter, when applied to handling and storage at transfer facilities.

Note: Authority cited: Sections 208, 25143, 25150 and 25161,  
Health and Safety Code.

Reference: Sections 25143, 25160, 25168, 25169 and 25169.1, Health  
and Safety Code.

66263.46. Specific Requirements for Small Load Operations.

(a) A transporter operating in accordance with this Section shall only transport hazardous wastes in amounts no greater than 100 kilograms per load and no greater than 1,000 kilograms per calendar month, which is the total quantity of hazardous waste which shall be hauled by the transporter.

(b) This Section applies only to hazardous wastes that are either:

(1) Subject to reclamation agreements with generators of greater than 100 kilograms per month but less than 1,000 kilograms per month pursuant to the requirements of Title 40 of the Code of Federal Regulations, Sections 262.20(e) and 263.20(h), as of July 1, 1988, or

(2) Collected from generators who meet the requirements of Title 40 of the Code of Federal Regulations, Sections 261.5(a) and 261.5(g), as of July 1, 1988, or

(3) Collected from generators of non-RCRA hazardous wastes totaling less than 100 kilograms per calendar month.

(c) The transporter is exempt from the requirement to provide proof of ability to provide adequate response to damages pursuant to Section 66263.11(a)(2).

(d) The transporter is exempt from the requirements of Sections 66263.11(a)(1)(B), 66263.11(a)(3) and 66263.13 regarding the vehicles and containers used to transport the hazardous wastes pursuant to this Section.

(e) The transporter shall only deliver the hazardous waste to a permitted facility or to a facility which has been granted interim status, or to a facility which has been otherwise authorized to receive hazardous wastes pursuant to Chapter 6.5 of Division 20 of the Health and Safety Code and implementing regulations.

(f) The transporter is exempt from the requirements of Sections 66263.20 and 66263.21 regarding the use of the manifest. In lieu of the manifest, the transporter shall use a shipping paper which contains all the information required pursuant to Title 49, Code of Federal Regulations, Part 172, Subpart C. The shipping paper must accompany the hazardous wastes when transported from the place of generation to the facility designated pursuant to subsection (e). In addition, the transporter shall include the name, address and EPA Identification Number of the designated facility on the shipping paper.

Note: Authority cited: Sections 208, 25143, 25150 and 25161, Health and Safety Code.

Reference: Sections 25143, 25160, 25168, 25169 and 25169.1, Health and Safety Code.