

Chapter 16. Recyclable Materials (Recyclable Hazardous Wastes)

Article 1. General

66266.1. Recyclable Hazardous Waste Disposal Statement.

(a) Within 180 days of the disposal of a recyclable hazardous waste of a type listed in Section 66266.2, the Department may request the generator of such waste to provide the Department with a written statement justifying having not recycled the waste. A person requested to provide such a statement shall comply within 30 days of the Department's written request. If the request is made of a person other than an individual, the statement shall be issued by the responsible management of that entity.

(b) The Department's request for a statement from the waste generator pursuant to subsection (a) above shall cite a special property or component of the waste and a possible use or method of reclamation on the basis of which the Department considers that the waste might feasibly be recycled.

(c) The statement from the waste generator justifying having not recycled a hazardous waste pursuant to subsection (a) above shall include, but need not be limited to, the following:

(1) The general description, source, chemical composition, physical state, and amount of the waste.

(2) The amount of similar waste discarded or recycled during the 365-day period preceding the disposal in question.

(3) An estimate of the amount of similar waste to be generated by the generator in the 365-day period succeeding the disposal in question.

(4) A summary of efforts made to find a use for the waste such as the following:

(A) Use without processing.

(B) Use after processing to remove or modify undesired impurities.

(C) Use as a source of energy by the generator or by another person.

(5) Technologic, economic or other reason for not recycling the waste, taking into account relevant factors which may include any of the following:

(A) The available amount and the storability of the waste.

(B) Chemical, physical, toxicological or other properties of the waste which might affect its recyclability.

(C) The concentration or recoverability of the chemical component, chemical reactivity, fuel value or other attribute cited by the Department pursuant to subsection (b) above which may determine the feasibility of recycling the waste.

(D) The processing required in recycling the waste and the availability and cost of suitable processing technology and facilities.

(E) The marketability of the waste as such or as its reclaimed components in terms of the distance from the waste source to the point of use or reclamation, the costs of handling and transport, and the current market prices for the individual waste components as pure or technical grade materials.

(d) The statement shall indicate what information contained therein is considered to be a trade secret. The Department shall keep confidential trade secrets contained in any statement submitted to the Department pursuant to this section.

NOTE: Authority cited: Sections 208, 25150 and 25175, Health and Safety Code.

Reference: Sections 25159.5 and 25175, Health and Safety Code.

66266.2. List of Recyclable Hazardous Waste Types.

(a) Wastes of the types cited on the list of Recyclable Hazardous Wastes in subsection (b) are waste types which the Department finds to be both economically and technologically feasible to recycle.

(b) List of Recyclable Hazardous Waste Types (including examples of potential recycling methods or uses):

(1) Commercial chemical products including unused laboratory grade products (return to manufacturer or supplier or turn over to chemical salvager for resale or resource recovery; sell or barter to another consumer).

(2) Solvents, used or contaminated (reclaim, in-plant or through custom solvent reclaimer, by purification processes of rectification, ion exchange, adsorption, or extraction; or if combustible, use in-plant or sell for use as energy resource for heating, cooling, or power generation), including:

(A) Halogenated solvents such as trichloroethane, perchloroethylene, methylene dichloride, chloroform, carbon tetrachloride, Freons (R);

(B) Oxygenated solvents, such as acetone, methyl ethyl ketone, methanol, ethanol, butanol, ethyl acetate;

(C) Hydrocarbon solvents, such as hexanes, Stoddard, benzene, toluene, xylenes, paint thinner.

(3) Used or unused petroleum products, including motor oils, hydraulic fluids, cutting lubricants, fortified weed oils (turn over to reclaimer of motor oils and other petroleum products for recovery of petroleum components; or use in-plant, or sell for use as energy resource for heating, cooling, or power generation).

(4) Pickling liquor (recover iron salts by concentration, e.g., by solar evaporation of spent liquor).

(5) Unspent acids, such as hydrochloric, hydrofluoric, nitric, phosphoric, sulfuric, in concentrations exceeding 15% (use directly as pickling and etching acids; in neutralization of alkaline process waste streams; or in manufacture of useful salt products, e.g., ammonium salts, calcium fluoride).

(6) Unspent alkalis, including hydroxides and carbonates of sodium, potassium, and calcium, and acetylene sludge (use directly in certain metal finishing operations; in neutralization of pickling acids and acid process waste streams; in precipitation of heavy metals; or in manufacture of useable products, e.g., calcium oxide, sulfate, fluoride, and chloride).

(7) Unrinsed empty containers of iron or steel used for pesticides or other hazardous chemicals:

(A) Pesticide containers (return to the registrant or, if 30- or 55-gallon size, recondition, pursuant to Title 3 CCR Section 3143; or shred or bale, after removal of pesticide residues by solvent or chemical action or burning, for use as steel scrap).

(B) Hazardous chemical containers (other than pesticide containers return to product supplier or, if 30- or 55-gallon size, recondition; or shred or bale, after removal of chemical residues by solvent or chemical action or burning, for use as steel scrap).

NOTE: Authority cited: Sections 208, 25150 and 25175, Health and Safety Code.

Reference: Sections 25159.5 and 25175, Health and Safety Code.

Article 2. Generator, Transporter and Facility Operator Requirements

66266.3. Requirements for Generator of Recyclable Material.

(a) A generator of a recyclable material shall comply with all of the requirements of this division which are applicable to a generator of a hazardous waste except as follows:

(1) A generator of a recyclable material shall be exempt from the requirements of Sections 67430.1 and 67430.2 (Extremely Hazardous Waste Disposal Permit) with respect to recyclable materials that are transferred to a resource recovery facility.

(2) As specifically exempted by or as a consequence of provisions of Section 66266.6 and Articles 4 and 6 through 9 of this chapter.

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

Reference: Sections 25143.2, 25153, 25154, 25159.5 and 25170, Health and Safety Code.

66266.4. Requirements for Transporter of Recyclable Material.

(a) A transporter of a recyclable material shall comply with all requirements of this division which are applicable to a transporter of a hazardous waste except as follows:

(1) A transporter shall be exempt from participating in the Extremely Hazardous Waste Disposal Permit process as set forth in Sections 67430.1 and 67430.2 with respect to recyclable materials that are hauled to a resource recovery facility.

(2) As specifically exempted by or as a consequence of provisions of Section 66266.6 and Articles 4 and 6 through 9 of this chapter.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code.  
Reference: Sections 25143.2, 25154, 25159.5 and 25170, Health and Safety Code.

66266.5. Requirements for Operator of a Resource Recovery Facility.

(a) The operator of a resource recovery facility shall comply with all requirements of this division which are applicable to the operator of a hazardous waste facility except as follows:

(1) The operator of a resource recovery facility shall be exempt from the requirements of Section 67430.1 (Extremely Hazardous Waste Disposal Permit) with respect to the receipt of recyclable materials.

(2) The operator of a resource recovery facility shall be exempt from the requirements of this division with respect to the handling and management of materials listed in Section 66266.6.

(3) The operator of a resource recovery facility shall be exempt from the use of the wording on warning signs as specified in Section 66264.14 (c). An operator whose facility qualifies for this exemption shall use warning signs with wording which states, at a minimum, "Danger--Unauthorized Personnel Keep Out".

(4) The operator of a resource recovery facility may apply for a permit under Sections 66266.7, 66266.8 or 66266.9 in lieu of the hazardous waste facility permit required under Chapter 20 of this division, provided that the facility meets the criteria established in Sections 66266.7, 66266.8, or 66266.9.

(5) The operator of a resource recovery facility which uses or which processes a recyclable material for use in agriculture shall comply with the requirements in Article 8 of this chapter.

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

**Reference: Sections 25143.2, 25154, 25170, 25200 and 25201, Health and Safety Code.**

66266.6. Exclusions.

(a) The following materials are not regulated under this division:

(1) A product for use in agriculture that was processed from a non-RCRA hazardous waste at a facility which is authorized by the Department pursuant to this division and which is licensed by the California Department of Food and Agriculture pursuant to Food and Agricultural Code Sections 14551 or 15051, and that meets the requirements of that Department for such use.

(2) Surplus material as defined in Section 66260.10.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code.  
Reference: Sections 14551 and 15051, Food and Agricultural Code; and Section 25170, Health and Safety Code.

66266.7. Series 'A' Resource Recovery Facility Permit.

(a) A person who establishes, operates or maintains a resource recovery facility shall be eligible for a Series 'A' Resource Recovery Facility Permit, provided that the following criteria are met:

(1) Part A of the permit application and Part B of the permit application have been submitted to the Department in accordance with the provisions of Chapter 20 of this division.

(2) The facility described in the permit application meets the criteria in Section 66266.10.

(b) Persons who are eligible for a Series 'A' Resource Recovery Facility Permit include persons who do either or both of the following:

(1) Recycle one or more of the materials listed below:

(A) A material which meets a characteristic established by, and/or is listed by, the USEPA pursuant to Subtitle C of RCRA.

(B) A recyclable material which is an extremely hazardous waste.

(C) A recyclable material which is subject to the land disposal restrictions specified in Chapter 18 of this division.

(2) Manage a recyclable material in one or more of the ways listed below:

(A) The recyclable material is not ordinarily used by being applied to land and is used or reused without essential change to its identity, or after simple mixing, in a manner that constitutes disposal (e.g., direct use for land reclamation or as a dust suppressant, or fill material).

(B) The recyclable material is not ordinarily used as a fuel and either is being burned for energy recovery, or is being used to produce a fuel.

(C) The recyclable material is a fuel that contains a hazardous waste and is being burned for energy recovery.

(D) The recyclable material contains a constituent having one or more of the following characteristics and may pose a significant hazard to health or the environment when recycled, used, reused or reclaimed in any manner:

1. The constituent is toxic as defined in Chapter 11 of this division.

2. The constituent is not ordinarily found in raw materials or products for which the recyclable material substitutes.

3. The constituent is not used or reused during the recycling process.

(E) The recyclable material is stored or treated in a surface impoundment or waste pile.

(c) A person who desires a Series 'A' Resource Recovery Facility Permit shall include with the permit application required under Chapter 20 of this division the following additional information:

(1) A statement that the person and the facility meet the criteria for a Series 'A' Resource Recovery Facility Permit as described in subsections (b) and (a)(2) of this section, respectively;

(2) Evidence and written assurance that the person and the facility meet the criteria in subsections (b) and (a)(2) of this section, respectively; and

(3) A listing of the quantities required to complete the calculations under Section 66266.10(b) and the calculations showing compliance with the criteria tabulated thereunder.

(d) The Department shall act on an application for a Series 'A' Resource Recovery Facility Permit as provided in Chapters 20 and 21 of this division for the issuance of a hazardous waste facility permit.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code.  
Reference: Sections 25159.5, 25170, 25200 and 25201, Health and Safety Code.

66266.8. Series B Resource Recovery Facility Permit.

(a) A person who establishes, operates, or maintains a resource recovery facility that accepts no hazardous waste described in Section 66266.7(b)(1) and that does not manage a recyclable material in any of the ways described under Section 66266.7(b)(2) shall be eligible for a Series B Resource Recovery Facility Permit, provided that the following criteria are met:

(1) Part A of the permit application and Part B of the permit application consisting of the items listed in subsection (b) of this section have been submitted to the Department in accordance with the provisions of Chapters 20 and 21 of this division.

(2) The facility described in the permit application meets the criteria in Section 66266.10.

(b) A person who desires a Series B Resource Recovery Facility Permit shall submit to the Department the following information:

(1) Part A of the permit application as described in Chapter 20 of this division.

(2) All of the information listed below in lieu of the full Part B of the permit application otherwise required in Chapter 20 of this division.

(A) A statement that the person and the facility meet the criteria for a Series B Resource Recovery Facility Permit as described in subsection (a) of this section.

(B) Evidence and written assurance that the person and the facility meet the criteria in subsection (a) of this section.

(C) A listing of the quantities required to complete the calculations under Section 66266.10 and the calculations showing compliance with the criteria tabulated thereunder.

(D) The information required in subsections (b)(2), (3), (4), (5), (7), (8), (9), (12), (13), (15), (16), and (17) of Section 66270.14.

(c) Except as provided in subsection (d) of this section, the Department shall act on an application for a Series B Resource Recovery Facility Permit as provided in Chapters 20 and 21 of this division for the issuance of a hazardous waste facility permit.

(d) The Department shall determine on a case-by-case basis whether solicitation of public participation in the issuance of a Series B Resource Recovery Facility Permit is appropriate based on the following factors:

(1) The proximity of the facility to public structures and recreational facilities, businesses, private recreational facilities, hospitals, schools, and residences.

(2) The types and quantities of recyclable materials to be handled at the facility.

(3) The methods used to manage the recyclable materials.

(4) The methods used to manage hazardous wastes, if any, resulting from the recycling process, and the types and quantities of such wastes.

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

Reference: Sections 25159.5, 25170, 25200 and 25201, Health and Safety Code.

66266.9. Series C Resource Recovery Facility Permit.

(a) A person who establishes, operates, or maintains a resource recovery facility that accepts no hazardous waste described in Section 66266.7(b)(1) and that does not manage a recyclable material in any of the ways described under Section 66266.7(b)(2); and who either is an end-user as defined in Section 66260.10, or accepts only recyclable materials that are special wastes as defined in Section 66260.10, shall be eligible for a Series C Resource Recovery Facility Permit provided that the following criteria are met:

(1) A permit application as described in subsection (b) of this section has been submitted to the Department in accordance with the provisions of Chapter 20 of this division.

(2) Except for an end-user, the facility described in the permit application meets the criteria in Section 66266.10.

(3) For an end-user, the facility described in the permit application meets only the criteria in Section 66266.10 that require the recycling, use, reuse, or reclamation of more than 75 percent of the recyclable material accepted at the facility in the time periods specified.

(b) A person who desires a Series C Resource Recovery Facility Permit shall submit to the Department the following information:

(1) Part A of the permit application as described in Chapter 20 of this division. Part B of the permit application as described in Chapter 20 of this division is not required.

(2) All of the information listed below:

(A) A statement that the person and the facility meet the criteria for a Series C Resource Recovery Facility Permit as described in subsection (a) of this section.

(B) Evidence and written assurance that the person and the facility meet the criteria in subsection (a) of this section.

(C) A listing of the quantities required to complete the calculations under Section 66266.10(b) and the calculations showing compliance with the criteria tabulated thereunder.

(3) For an end-user only, the additional information required below:

(A) A statement under penalty of perjury that the recyclable material is to be beneficially used to manufacture a product or products that have commercial value.

(B) A statement under penalty of perjury that the material is to be used as a substitute for a raw material or a commercial product in a process that usually uses such a raw material or a commercial product as a feedstock;

(C) The name, address, and telephone number of the generator of the recyclable material;

(D) The composition of the recyclable material;

(E) The manufacturing process in which the recyclable material is to be used;

(F) The composition of the finished product or products and the use or uses for which they will be sold.

(c) Except for the solicitation of public participation under Section 66271.9, which is not required, the Department shall act on an application for a Series C Resource Recovery Facility Permit as provided in Chapters 20 and 21 of this division for the issuance of a hazardous waste facility permit.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code.  
Reference: Sections 25159.5, 25170, 25200 and 25201, Health and Safety Code.

66266.10. Criteria for Compliance.

(a) The criteria tabulated in subsection (b) of this section shall be used for determining compliance with Sections 66266.7(a)(2), 66266.8(a)(2) and 66266.9(a)(2) for each of the following categories:

(1) A facility that has been recycling a recyclable material during one or more of the five successive calendar years immediately preceding the year in which the resource recovery facility permit is to be issued.

(2) A modification that increases the quantity of a recyclable material that can be recycled at a facility described in subsection (a)(1) of this section.

(3) A facility that has not recycled a recyclable material during one or more of the five successive calendar years immediately preceding the year in which the resource recovery facility permit is to be issued.

(b) Criteria for determining compliance with Sections 66266.7, 66266.8, and 66266.9. See "NOTES" below the table for explanation of symbols. All quantities (a through g) are to be expressed as weights.

## NOTES

a = Quantity of recyclable material recycled during the calendar year immediately preceding the year in which the resource recovery facility permit is to be issued.

a' = Average quantity of recyclable material recycled annually during the five successive calendar years immediately preceding the year in which the permit is to be issued.

b = Quantity of recyclable material which a modification described in subsection (a)(2) of this section is designed to recycle annually.

c = Quantity of recyclable material which a facility described in subsection (a)(3) of this section is designed to recycle annually.

d = Quantity of hazardous waste (excluding recycled, recyclable material) managed during the calendar year immediately preceding the year in which the permit is to be issued.

d' = Average quantity of hazardous waste (excluding recycled, recyclable material) managed annually during the five successive calendar years immediately preceding the year in which the permit is to be issued.

e = Quantity of hazardous waste (excluding recycled, recyclable material) which a facility described in subsection (a)(3) of this section is designed to manage annually.

f = Quantity of recyclable material accepted during the calendar year immediately preceding the year in which the permit is to be issued ( $f > 0$ ).

f' = Average quantity of recyclable material accepted annually during the five successive calendar years immediately preceding the year in which the permit is to be issued ( $f' > 0$ ).

g = Quantity of recyclable material to be accepted during the first calendar year of operation after the year in which the permit is to be issued for a facility described in subsection (a)(3) of this section ( $g > 0$ ).

> = Symbol which means that the quantity on the left of the symbol must be greater than the quantity on the right of the symbol.

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

Reference: Sections 25159.5, 25170, 25200 and 25201, Health and Safety Code.

66266.11. General Provisions for Resource Recovery Facilities.

(a) Hazardous waste accepted at a resource recovery facility as recyclable material shall be managed in a manner which ensures that the first load of such waste accepted is the first load of such waste recycled, used, reused, or reclaimed.

(b) No person shall create, manufacture, or produce from a hazardous waste, a product which poses a hazard to health, safety or the environment under the circumstances of its intended use.

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

Reference: Sections 25159.5, 25170, 25200 and 25201, Health and Safety Code.

**Article 3. Requirements for**

**Management**

**of Recyclable Materials Used**

**in a Manner that Constitutes Disposal**

**[RESERVED]**

Article 4. Hazardous Wastes and Certain Used Oils Regulated  
as Hazardous Waste Fuels

66266.30. Applicability.

(a) Except as provided otherwise in this section, the regulations of this article apply to the following materials which are termed "hazardous waste fuels":

(1) "Used oil" as defined in Health and Safety Code Section 25250.1 (including fuel produced from used oil by processing, blending or other treatment) that is burned for energy recovery in any boiler or industrial furnace which is not regulated under Article 15 of Chapter 14 or 15 of this division, and that meets the standards of subdivisions (c), (d) and (e) of Health and Safety Code Section 25250.1, except that the oil: contains/ more than 1000 ppm, but not more than 3000 ppm, of total halogens; and is presumed to have been mixed with other hazardous wastes, pursuant to subsection (c) of this section .

(2) Fuel produced from hazardous wastes (other than used oil) by processing, blending or other treatment and burned for energy recovery in any boiler or industrial furnace that is not regulated under Article 15 of Chapter 14 or 15 of this division.

(b) The following materials are not subject to regulation under this article:

(1) Used oil (including fuel produced from used oil by processing, blending or other treatment) that is any of the following:

(A) Subject to regulation as hazardous waste instead of as used oil, pursuant to Health and Safety Code Section 25250.1(a)(5), including used oil that has been intentionally mixed with other hazardous wastes; or

(B) Subject to regulation under Article 6 of this chapter; or

(C) Exempt from regulation pursuant to Sections 66261.4 and 66261.6(a)(3), and Health and Safety Code Section 25250.3, as applicable.

(2) Fuel produced from hazardous waste (other than used oil) by processing, blending or other treatment, if that hazardous waste is exempt from regulation under Section 66261.4 or 66261.6(a)(3).

(c) Except as provided in subsection (d) of this section, used oil (including fuel produced from used oil by processing, blending or other treatment) containing more than 1000 ppm, but not more than 3000 ppm, of total halogens is presumed to be hazardous waste fuel, because it has been mixed with halogenated hazardous wastes listed in Article 4 of Chapter 11 of this division. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not

contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of Chapter 11 of this division).

(d) Pursuant to Health and Safety Code Section 25250.7, no person who generates, stores or transfers used oil shall intentionally contaminate used oil with other hazardous waste, other than minimal amounts of vehicle fuel.

(e) Pursuant to subdivision (c)(7) of Health and Safety Code Section 25250.1, compliance with the "recycled oil" standards of subdivision (c) of Health and Safety Code Section 25250.1 shall not be met by blending or diluting used oil with crude or virgin oil.

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

Reference: Sections 25124, 25143.2, 25159.5, 25250, 25250.1, 25250.4, 25250.5 and 25250.7, Health and Safety Code; 40 CFR Sections 266.30 and 266.40.

66266.31. Prohibitions.

(a) A person may market hazardous waste fuel only:

(1) To persons who have notified the Department of their hazardous waste fuel activities and have a USEPA Identification Number; and

(2) If the fuel is burned, to persons who burn the fuel in boilers or industrial furnaces identified in subsection (b) of this section.

(b) Hazardous waste fuel may be burned for energy recovery in only the following devices;

(1) Industrial furnaces identified in Section 66260.10;

(2) Boilers, as defined in Section 66260.10, that are identified as follows:

(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

(B) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale.

(c) No fuel which contains any hazardous waste may be burned in any cement kiln which is located within the boundaries of any incorporated municipality with a population greater than 500,000 (based on the most recent census statistics) unless such kiln fully complies with regulations under this chapter that are applicable to incinerators.

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

Reference: Section 25159, Health and Safety Code; 40 CFR Section 266.31.

66266.32. Standards Applicable to Generators of Hazardous Waste Fuel.

(a) Generators of hazardous waste fuel are subject to Chapter 12 of this division.

(b) Generators who market hazardous waste fuel to a burner (as defined in Section 66266.35) also are subject to Section 66266.34.

(c) Generators who are burners also are subject to Section 66266.35.

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

Reference: Section 25159, Health and Safety Code; 40 CFR Section 266.32.

66266.33. Standards Applicable to Transporters of Hazardous Waste Fuel.

Transporters of hazardous waste fuel are subject to Chapter 13 of this division.

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

Reference: Section 25159, Health and Safety Code; 40 CFR Section 266.33.

66266.34. Standards Applicable to Marketers of Hazardous Waste Fuel.

Persons who market hazardous waste fuel are termed "marketers", and are subject to the following requirements. Marketers include generators who market hazardous waste fuel directly to a burner (as defined in Section 66266.35) and persons who distribute but do not process or blend hazardous waste fuel.

(a) Prohibitions. The prohibitions under Section 66266.31(a);

(b) Notification. Notification of hazardous waste fuel activities. Even if a marketer has previously notified the Department of the marketer's hazardous waste management activities and obtained a USEPA Identification Number, the marketer shall renotify to identify the marketer's hazardous waste fuel activities;

(c) Storage. The applicable provisions of Section 66262.34, and Articles 1 through 12 of Chapter 14, Articles 1 through 12 of Chapter 15, and Chapter 20 of this division;

(d) Off-site shipment. The standards for generators in Chapter 12 of this division when a marketer initiates a shipment of hazardous waste fuel;

(e) Required notices. (1) Before a marketer initiates the first shipment of hazardous waste fuel to a burner or another marketer, the marketer shall obtain a one-time written and signed notice from the burner or marketer certifying that:

(A) The burner or marketer has notified the Department and identified the burner's or the marketer's waste-as-fuel activities; and

(B) If the recipient is a burner, the burner will burn the hazardous waste fuel only in an industrial furnace or boiler identified in Section 66266.31(b).

(2) Before a marketer accepts the first shipment of hazardous waste fuel from another marketer, the marketer shall provide the other marketer with a one-time written and signed certification that the marketer has notified the Department under Health and Safety Code Section 25153.6 and identified the marketer's hazardous waste fuel activities; and

(f) Recordkeeping. In addition to the applicable recordkeeping requirements of Chapters 12, 14, and 15 of this division, a marketer shall keep a copy of each certification notice the marketer receives or sends for three years from the date the marketer last engages in a hazardous waste fuel marketing transaction with the person who sends or receives the certification notice.

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

Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 266.34.

66266.35. Standards Applicable to Burners of Hazardous Waste Fuel.

Owners and operators of industrial furnaces and boilers identified in Section 66266.31(b) that burn hazardous waste fuel are termed "burners" and are subject to the following requirements:

(a) Prohibitions. The prohibitions under Section 66266.31(b).

(b) Notification. Notification of hazardous waste fuel activities. Even if a burner has previously notified the Department of the burner's hazardous waste management activities and obtained a USEPA Identification Number, the burner shall renotify to identify the burner's hazardous waste fuel activities.

(c) Storage. (1) For short term accumulation by generators who burn their hazardous waste fuel onsite, the applicable provisions of Section 66262.34;

(2) For existing storage facilities, the applicable provisions of Articles 1 through 12 of Chapter 15, and Chapters 20 and 21 of this division; and

(3) For new storage facilities, the applicable provisions of Articles 1 through 12 of Chapter 14 and Chapters 20 and 21 of this division.

(d) Required notices. Before a burner accepts the first shipment of hazardous waste fuel from a marketer, the burner shall provide the marketer a one-time written and signed notice certifying that:

(1) The burner has notified the Department and identified the burner's waste-as-fuel activities; and

(2) The burner will burn the fuel only in a boiler or furnace identified in Section 66266.31(b).

(e) Recordkeeping. In addition to the applicable recordkeeping requirements of Chapters 14 and 15 of this division, a burner shall keep a copy of each certification notice that the burner sends to a marketer for three years from the date the burner last receives hazardous waste fuel from that marketer.

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

Reference: Section 25159, Health and Safety Code; 40 CFR Section 266.35.

Article 6. Requirements for Management of Used Oil

66266.50. Requirements for Used Oil and Fuel Derived from Used Oil, that are Burned for Energy Recovery.

(a) Except as provided otherwise in subsection (b) of this section, the regulations in this article establish standards and requirements for the management of "used oil" and "recycled oil" (as defined in Health and Safety Code Section 25250.1) in addition to the applicable standards and requirements in Article 13 (commencing with Section 25250), Chapter 6.5, Division 20 of the Health and Safety Code.

(b) The regulations in this article do not apply to the following; they are subject to regulation or prohibited as specified.

(1) Used oil (including fuel produced from used oil by processing, blending or other treatment) that is burned for energy recovery in any boiler or industrial furnace which is not regulated under Article 15 of Chapter 14 or 15 of this division, and that meets the standards of subdivisions (c), (d) and (e) of Health and Safety Code Section 25250.1, except that the oil: contains more than 1000 ppm, but not more than 3,000 ppm, of total halogens; and is presumed to have been mixed with other hazardous waste pursuant to Section 66266.30(c). Such oil is subject to the requirements of Article 4 of this chapter.

(2) Used oil and recycled oil (including fuel produced from used oil by processing, blending or other treatment) that are described in Section 66266.30(b)(1)(A) or (b)(1)(C). Such oils are regulated as specified in those sections.

(3) Pursuant to subdivision (c)(7) of Health and Safety Code Section 25250.1, used oil shall not be blended or diluted with crude or virgin oil in order to achieve compliance with the "recycled oil" standards of subdivision (c) of Health and Safety Code Section 25250.1.

(c) The manifesting procedure prescribed by Health and Safety Code Sections 25160 and 25161, but not the modified manifesting procedure set forth in Health and Safety Code Section 25250.8, applies to used oil (including fuel produced from used oil by processing, blending or other treatment) that:

(1)(A) Does not meet the standards in subdivisions (c), (d) and (e) of Health and Safety Code Section 25250.1, because it contains more than 1000 ppm of total halogens, and it is presumed to have been mixed with other hazardous waste pursuant to Section 66266.30(c); and

(B) Is burned for energy recovery in any boiler or industrial furnace that is not regulated under Article 15 of Chapter 14 or 15 of this division; or

(2)(A) Does not meet the standards in subdivisions (c), (d) and (e) of Health and Safety Code Section 25250.1, excluding the federal

total halogen standard cited in subdivision (c)(6) of that section, because it has been unintentionally mixed with other hazardous wastes which are listed in 40 CFR Part 261 (commencing with Section 261.1; and

(B) Conforms with the requirements in subsection (c)(1)(B) of this section.

(d) Used oil and recycled oil (including fuel produced from used oil by processing, blending or other treatment) that conform to the criteria in subsection (d)(1) of this section are subject to the requirements in subsection (d)(2) of this section, in addition to the notification, testing and recordkeeping requirements of Health and Safety Code Sections 25250.1(e) and 25250.19.

(1)(A) Criteria: The oil meets the standards of subdivisions (c), (d) and (e) of Health and Safety Code Section 25250.1; and

(B) The oil is burned for energy recovery.

(2) Requirements: A person who first claims that the oil meets the standards shall keep the following records for three years. Such oil is not subject to further regulation unless it is subsequently mixed with hazardous waste or unless it is mixed with used oil so that it no longer meets the standards.

(A) Copies of analyses (or other information documenting the person's claim) of the oil; and

(B) An operating log containing the following information on each shipment of oil that meets the standards:

(1) The name and address of the facility receiving the shipment;

(2) The quantity of oil delivered;

(3) The date of shipment or delivery; and

(4) A cross-reference to the record of analysis (or other information used to make the determination that the oil meets the standards) required under subsection (d)(2)(A) of this section.

NOTE: Authority cited: Sections 208, 25150, 25159 and 25250.22, Health and Safety Code.  
Reference: Sections 25159, 25159.5, 25250.1, 25250.7 and 25250.8, Health and Safety Code; 40 CFR Section 266.40.

**Article 7. Requirements for Management of Spent Lead-Acid Storage****Batteries****66266.80. Applicability.**

(a) A person who manages spent lead-acid storage batteries or their components shall comply with all of the requirements of this division pertaining to the management of a hazardous waste, unless the person is specifically exempted in the provisions of this article.

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

Reference: Sections 25150, 25159.5 and 25170, Health and Safety Code.

66266.81. Requirements.

(a) Except as provided in subsection (a)(1) of this section, a person who manages spent lead-acid storage batteries which are equivalent in type and equivalent to, or smaller in size than, spent lead-acid storage batteries removed from motor vehicles as defined in Vehicle Code Sections 415 and 670 shall comply with the applicable requirements of subsections (a)(2) through (d) of this section.

(1) A person (e.g., automobile owner, service station operator, retail store operator) who generates in one year, stores at one time, or transports at one time in one vehicle ten or fewer spent lead-acid storage batteries which either have been removed from motor vehicles as defined in Vehicle Code Sections 415 and 670, or are equivalent in type and equivalent to, or smaller in size than, such batteries, shall be exempt from the requirements of this division pertaining to the generation, storage, and transportation of a hazardous waste with respect to the management of such batteries, provided that the person intends to or does transfer the batteries to a person who stores the batteries or who recycles, uses, reuses or reclaims the batteries.

(2) A person who transfers spent lead-acid storage batteries to a person described in subsection (a)(3) of this section shall be exempt from the requirements of this division pertaining to the generation, storage, and transportation of a hazardous waste with respect to the management of such batteries.

(3) Except as provided in subsection (a)(4) of this section, a person who accepts spent lead-acid storage batteries in exchange or partial exchange for operable lead-acid storage batteries shall be exempt from the requirements of this division pertaining to the generation and storage of a hazardous waste with respect to the management of such batteries, unless:

(A) The person stores more than one ton of such batteries at any one location for more than 180 days; or

(B) The person stores one ton or less of such batteries at any one location for more than one year; or

(C) The person removes the electrolyte.

(4) Except as provided otherwise in subsections (a)(2) and (a)(3) of this section, a person who generates spent lead-acid storage batteries shall be exempt from the requirements of this division pertaining to the generation and storage of a hazardous waste with respect to the management of such batteries, except as follows:

(A) The generator shall use either the manifest or a bill of lading which fulfills the requirements of Title 13 CCR Section 1161, to record the shipment of spent lead-acid storage batteries to a person who stores the batteries or who uses, reuses, recycles or reclaims the batteries or their components.

(B) The generator shall retain, at the generator's place of business for at least three years, a legible copy of each manifest or bill of lading which identifies spent lead-acid storage batteries shipped to a person who stores the batteries or who uses, reuses, recycles or reclaims the batteries or their components.

(C) If the generator ships spent lead-acid storage batteries to a facility where the batteries will be disposed, the generator shall comply with all of the requirements of this division pertaining to the management of a hazardous waste.

(5) A person who transports spent lead-acid storage batteries shall be exempt from the requirements of this division pertaining to the transportation of a hazardous waste with respect to the management of such batteries except as follows:

(A) The transporter shall use either the manifest or a bill of lading which fulfills the requirements of Title 13 CCR Section 1161, to record the transportation of spent lead-acid storage batteries to a person who stores the batteries or who uses, reuses, recycles or reclaims the batteries or their components.

(B) The transporter shall retain at the transporter's place of business for at least three years a legible copy of each manifest or bill of lading which identifies spent lead-acid storage batteries hauled to a person who stores the batteries or who uses, reuses, recycles or reclaims the batteries or their components.

(C) The transporter shall submit to the Department by March 1 of each calendar year beginning March 1, 1986, an annual report summarizing for the preceding calendar year information including, but not limited to, the identities of the generator and the recipient of the batteries, on a form approved by the Department.

(D) If the transporter hauls spent lead-acid storage batteries to a facility where the batteries will be disposed, the transporter shall comply with all of the requirements of this division pertaining to the management of a hazardous waste.

(6) A person who owns or operates a facility which stores either more than one ton of spent lead-acid storage batteries at any one location for 180 days or less or one ton or less of such batteries at any one location for one year or less and who transfers the batteries off-site for use, reuse, recycling or reclamation, shall be exempt from the requirements of this division as they pertain to the owner or operator of a hazardous waste storage facility with respect to the management of such batteries, except as follows:

(A) The owner or operator shall accept either the manifest or a bill of lading which fulfills the requirements of Title 13 CCR Section 1161, in lieu of the manifest to record the acceptance of spent lead-acid storage batteries for storage.

(B) The owner or operator shall retain at the owner's or operator's place of business for at least three years, a legible copy

of each manifest or bill of lading which identifies spent lead-acid storage batteries accepted for storage.

(C) The owner or operator shall submit to the Department by March 1 of each calendar year beginning March 1, 1986, an annual report summarizing for the previous calendar year information including, but not limited to, the identities of the generator and the transporter of the batteries, on a form approved by the Department.

(D) The owner or operator shall store spent lead-acid storage batteries in accordance with the packaging requirements of Title 49 CFR Section 173.260 and shall label the packaged batteries with the date they were received. The labeling shall be written in ink, paint, or other weather-resistant material such that the date is legible and conspicuous.

(7) A person who owns or operates a facility which stores either more than one ton of spent lead-acid storage batteries at any one location for more than 180 days, or one ton or less of such batteries at any one location for more than one year, or which removes electrolyte from such batteries for purposes of recycling either the batteries or their components (e.g., the lead, the cases or other components) shall comply with all of the requirements of this division pertaining to the owner or operator of a hazardous waste facility, except as follows:

(A) The owner or operator shall accept either the manifest or a bill of lading which fulfills the requirements of Title 13 CCR Section 1161, to record the receipt of spent lead-acid storage batteries for storage or for recycling.

(B) The owner or operator shall retain at the owner's or operator's place of business for at least three years, a legible copy of each manifest or bill of lading which identifies spent lead-acid storage batteries accepted for storage or for recycling.

(C) The owner or operator shall submit to the Department by March 1 of each calendar year beginning March 1, 1986 an annual report summarizing for the previous calendar year information including, but not limited to, the identities of the generator and the transporter of the batteries, on a form approved by the Department.

(D) The owner or operator shall store spent lead-acid storage batteries in accordance with the packaging requirements of Title 49 CFR Section 173.260 and shall label the packaged batteries with the date they were received. The labeling shall be written in ink, paint, or other weather resistant material such that the date is legible and conspicuous.

(8) A person who treats spent or damaged lead-acid storage batteries is subject to all requirements of this division.

(b) A damaged battery shall be managed so as to minimize the release of acid and lead and to protect the handlers and the environment, including at a minimum:

(1) A damaged battery shall be stored and transported in a nonreactive, structurally secure, closed container capable of preventing the release of acid and lead.

(2) A container holding one or more damaged batteries shall be labeled with the date that the first battery in the container was placed there, i.e., the initial date of accumulation.

(3) All container labels shall be written in ink, paint or other weather-resistant material so that the date is legible and conspicuous.

(4) A container holding one or more damaged batteries shall be packed for transportation in a manner that prevents the container from tipping, spilling or breaking during the transporting.

(c) A damaged battery packaged and labeled as specified in subsection (b) of this section shall be transported as provided in subsections (a)(4) and (a)(5) of this section and may be transported with intact batteries, subject in all instances to U.S. Department of Transportation regulations.

(d) "Damaged battery" means, for purposes of this article, any cracked or otherwise damaged lead-acid storage battery that may leak acid, including but not limited to:

(1) A battery damaged at any time before the lead plates are removed, and

(2) A battery that is missing one or more caps.

NOTE: Authority cited: Sections 208, 25150 and 25159.5, Health and Safety Code.  
Reference: Sections 25159.5, 25160, 25163, 25170 and 25201, Health and Safety Code; 49 CFR Section 173.260.

Article 8. Requirements for Management of Recyclable Materials Used  
in  
Agriculture

66266.110. Generator Requirements.

(a) Except as provided otherwise in subsection (c)(4) of this section, a person who generates a recyclable material which is to be used in its existing state in agriculture as defined in subsection (e) of this section, shall comply with the following:

(1) If the recyclable material is to be transferred to another person for such agricultural use, the generator shall comply with all of the requirements of this division applicable to a generator of a hazardous waste (except as provided otherwise in Section 66266.3) with respect to the management of such a material, and shall comply with the following additional requirements.

(A) The generator shall submit to the Department for approval the following information at least 60 days before the generator intends to transfer ownership of a recyclable material:

1. A description of the sources, general composition and physical state of the recyclable material;

2. An assessment, consistent with the sources of the recyclable material, of representative material from each of its sources showing the following:

a. Its hazardous characteristics pursuant to the criteria of Chapter 11 of this division.

b. The concentrations of all substances listed in Sections 66261.24 (a)(2) and (a)(7) and of all other substances which, by the criteria of Chapter 11 of this division are present at hazardous waste concentrations;

c. The total concentration of boron in boron-containing compounds, and the total concentrations of nitrate, phosphate and sulfate.

(B) If the recyclable material is to be applied to soil or other growing medium, the generator shall submit to the Department for approval, at the same time as the generator submits the information required in subsection (a)(1)(A) of this section, a letter from an agronomist certified by the American Society of Agronomy stating for the recyclable material and each source thereof:

1. That application of the recyclable material to soil or other growing medium will enhance the agricultural productivity of the soil or other medium;

2. That major and minor constituents in the recyclable material will not prove to be detrimental to agricultural use of the soil or other medium;

3. That conditions and/or restrictions, if any, should be placed on the use of the recyclable material with respect to rates and frequencies of application, concentrations and compatibilities when mixed with other materials in formulated fertilizers or soil amendments or when applied in conjunction with other such materials, types and chemical compositions of soils on which it is used and kinds of crops for which it should be used or not used.

(C) If the recyclable material is to be used as food for domestic livestock or wildlife, the generator shall submit to the Department for approval at the same time as the generator submits the information required in subsection (a)(1)(A) of this section, a statement under penalty of perjury that the recyclable material meets the requirements for commercial feeds containing drugs, food additives, or harmful substances established by the California Department of Food and Agriculture in Articles 2 (commencing with Section 2676) and 9 (commencing with Section 2733) of Group 2, Subchapter 2, Chapter 4, Title 3, California Code of Regulations.

(2) If the generator intends to utilize the recyclable material for such agricultural use without transferring ownership of the material to another person, the generator shall submit to the Department for approval the information required in subsections (a)(1)(A) and (a)(1)(B) or (a)(1)(C) of this section at least 60 days before the intended use of the recyclable material.

(3) After receiving approval from the Department pursuant to subsection (c) of this section, the generator described in

subsections (a)(1)(B) or (a)(1)(C) of this section shall transfer ownership of the recyclable material to another person only after the generator has received written confirmation that the recipient has received a copy of the information provided to the Department under subsection (a)(1) of this section and a copy of the Department's letter of approval obtained pursuant to subsection (c) of this section.

(b) Except as provided otherwise in Section 66266.3, a person who generates a recyclable material which is to be processed prior to use in agriculture, shall comply with all of the requirements of this division (other than the requirements of subsection (a) of this section, unless the processed product is hazardous under Chapter 11 of this division and the processor is not licensed by the California Department of Food and Agriculture) applicable to a generator of a hazardous waste with respect to the management of such a material.

(c) Upon receipt of the information required under subsection (a)(1)(A) and either (a)(1)(B) or (a)(1)(C) of this section, the Department shall determine whether the application of the recyclable material or its processed product (if the product is hazardous under Chapter 11 of this division and the processor is not licensed by the California Department of Food and Agriculture) to land or its use as a food for animals would cause a potential hazard to health, safety or the environment. The Department shall act on the information submitted pursuant to subsection (a)(1)(A) and either (a)(1)(B) or (a)(1)(C) of this section as provided in Section 66260.210(d).

(1) If the Department determines that the application of the recyclable material to land or its use as a food for animals would pose no such hazard, the Department shall send to the generator or processor a letter of approval to use the material in agriculture.

(2) The Department's approval shall be effective until the earliest of the following dates:

(A) An expiration date specified in the Department's letter of approval.

(B) The date that any of the information submitted to the Department by the generator or the processor pursuant to subsection (a)(1) of this section or Section 66266.112(b)(1), respectively, changes significantly.

(C) The date five years after the date of the Department's letter of approval; or

(D) The date that the Department suspends or revokes the letter of approval for cause.

(3) If the Department determines that the application of the recyclable material to land or its use as a food for animals would pose such a hazard, the Department shall send to the generator or processor written denial of approval to use the material in agriculture and the reason for that denial.

(4) The Department shall deny the use of any of the following materials in agriculture without prior processing to eliminate the constituents or characteristics that qualify the material as one of the following:

(A) A material which is an extremely hazardous waste under Chapter 11 of this division.

(B) A material which is a restricted hazardous waste under Chapter 18 of this division.

(C) A material which is a RCRA hazardous waste.

(d) No person shall use a recyclable material in agriculture or transfer such a material to another person for use in agriculture, without obtaining a letter of approval from the Department pursuant to subsection (c) of this section prior to such use or transfer, unless the material is to be transferred to the operator of a facility where it will be processed for such agricultural use pursuant to a valid license issued by the California Department of Food and Agriculture.

(e) As used in this chapter, "use in agriculture" means that a recyclable material (either in its existing state or in processed products) is applied to the land as a fertilizer, soil amendment, agricultural mineral, or an auxiliary soil and plant substance, or is used to produce a food for domestic livestock or wildlife.

NOTE: Authority cited: Sections 208, 25150, 25159 and 25170,  
Health and Safety Code.

Reference: Sections 25154, 25155, 25159.5 and 25170, Health and  
Safety Code.

66266.111. Transporter Requirements.

(a) A person who transports a recyclable material to a facility where the material is to be used in its existing state or processed for use, in agriculture, shall comply with all of the requirements of this division applicable to a transporter of a hazardous waste with respect to the management of such a material.

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

Reference: Sections 25159.5, 25160, 25163 and 25170, Health and Safety Code.

66266.112. Operator Requirements.

(a) A person who operates a facility which meets either of the criteria in subsection (a)(1) or (a)(2) of this section shall comply with the requirements in subsection (b) of this section.

(1) At the facility, a recyclable material is to be used in its existing state in agriculture.

(2) At the facility, a product processed from a recyclable material at a facility which is not licensed by the California Department of Food and Agriculture is to be used in agriculture and the processed product is hazardous under Chapter 11 of this division.

(b) A person who operates a facility described in subsection (a) of this section shall comply with the following:

(1) All of the requirements of this division applicable to an operator of a hazardous waste facility with respect to the management of such a material, except as provided otherwise in Section 66266.5.

(2) The permit requirements of Section 66266.9 in lieu of the permit requirements of Sections 66266.7 or 66266.8 or of Chapter 20 of this division.

(3) The additional requirements listed below:

(A) An operator shall use a recyclable material in agriculture only after receipt of the documents required under Section 66266.110(a)(3).

(B) An operator shall use a recyclable material in agriculture only in compliance with the information in the documents provided pursuant to Section 66266.110(a)(3).

(c) Except as provided otherwise in Section 66266.5, a person who operates a facility where a recyclable material used in agriculture is to be processed for such use, shall comply with all of the requirements of this division applicable to the operator of a hazardous waste facility with respect to the handling and management of such a material and shall comply with the additional requirements listed below:

(1) If the facility is not licensed by the California Department of Food and Agriculture and the product processed from the recyclable material is hazardous under Chapter 11 of this division, the operator shall comply with the requirements of this division as if the operator were the generator of a hazardous waste under Section 66266.110(a)(1).

(2) If the facility is licensed by the California Department of Food and Agriculture and the product processed from the recyclable material is hazardous under Chapter 11 of this division, the operator shall be exempt from the requirements of this division as they

pertain to a generator of a hazardous waste under  
Section 66266.110(a)(1).

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

Reference: Sections 14551 and 15051, Food and Agricultural Code;  
Sections 25159.5, 25170 and 25201, Health and Safety Code.

Article 9. Requirements for Management of Waste Elemental Mercury.

66266.120. Requirements.

(a) A person who handles waste elemental mercury which is a non-RCRA hazardous waste shall comply with the following provisions with respect to that mercury:

(1) A person who stores in a container ten pounds or less of waste elemental mercury at the site of generation shall be exempt from the permit requirements of this division.

(2) A person who transports in a container ten pounds or less of waste elemental mercury to a resource recovery facility where mercury will be recovered from that waste shall be exempt from the requirements for registration with the Department as a hazardous waste hauler and for the use of a manifest even if the transporter is not the generator of the waste.

(3) The operator of a facility which receives waste elemental mercury for the purpose of recovering mercury from that waste shall comply with all requirements of this chapter applicable to the operator of a hazardous waste facility except that the operator may accept ten pounds or less of mercury from a hauler who is not registered with the Department as a hazardous waste hauler and that the operator does not have to complete a manifest upon receipt of such quantity of mercury.

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

Reference: Sections 25117.9, 25159.5, 25160, 25163, 25170 and 25201, Health and Safety Code.

