

## CHAPTER 45: TRANSPORTABLE TREATMENT UNITS:

This chapter is based on Sections 66371(b)(4), 66392(d), 66747, 67034, and 67035 of existing Title 22, California Code of Regulations (CCR), which set forth the requirements for the treatment of hazardous wastes using Transportable Treatment Units (TTUs). The federal regulations contain no regulatory requirements specific to the treatment of hazardous wastes using TTUs. Therefore, incorporation of this chapter into the proposed regulations is necessary to retain the existing Title 22, CCR regulatory provisions pertaining to TTUs. This chapter conforms to the existing, corresponding Title 22, CCR regulations except as follows:

All of the regulations specifically addressing TTUs are being placed in one chapter, which pertains only to TTUs, rather than being spread throughout the regulations as they are currently. This regulation change is intended to make the regulations easier to use.

The regulations are being renumbered and references to other Title 22, CCR regulation sections are being adjusted to accommodate the organizational change discussed above and to conform to the new numbering scheme for the proposed regulations. The renumbering does not affect the regulatory meaning of the regulations in this chapter or the references to other regulation sections.

Section 67450.1: This section, which is based on existing Title 22, CCR, Section 66371(b)(4), sets forth the general permitting requirement for TTUs. This section conforms to the existing, corresponding Title 22, CCR regulation, except that the phrase "permits are required for" is being inserted at the beginning of the section. This is a minor wording change necessitated by the organizational change discussed above.

Section 67450.2: This section, which is based on existing Title 22, CCR, Section 66392(d), sets forth the conditions under which the owner or operator of a TTU may qualify for a permit-by-rule. This section conforms to the existing, corresponding Title 22, CCR regulation except as follows:

Section 67450.2: The phrase "shall be deemed to have a permit" is being inserted into the first sentence. This is a minor wording change necessitated by the organizational change discussed above.

Sections 67450.2(f)(3) and (h)(5): The phrase "EPA ID#" is being changed to "ID#" to conform to the same change being made in other parts of the regulations.

Section 67450.2(g): The phrase "regulations as they apply to interim status facilities" is being replaced by "regulations found in Chapter 15 of this division". This is a minor wording change necessitated by the overall reorganization of the Title 22, CCR regulations.

Sections 67450.2(g)(1)-(5) and (7): These sections reference other articles in the Title 22, CCR regulations. The titles of the referenced articles, as they appear in (g)(1)-(5) and (7), are being revised to conform with the titles of the referenced articles in the proposed regulations.

Section 67450.2(g)(6): The phrase "except that the containment system required by Section 67245(b)(3) need not provide capacity for a 24 hour, 25 year storm during the months of May through November" is being deleted. This language was included in existing Title 22, CCR, Section 66392(d) in error. The containment requirements of existing Section 67245(b)(3) apply to permitted container facilities only; there are no containment requirements for interim status container facilities. Since only interim status facility requirements are applicable to TTUs, the deleted language is not pertinent to TTUs.

Section 67450.2(h)(9): The phrase "are found in Appendix XII to Chapter 11 of this division" is being inserted after "applicable waste codes" for clarification.

Section 67450.3: This section, which is based on existing Title 22, CCR, Section 66747, lists the treatment processes which may be conducted and the influent waste streams which may be treated by TTUs deemed to have permits-by-rule. This section conforms to the existing, corresponding Title 22, CCR regulation except for minor wording changes (in the title and the first sentence) being made to provide clarification and improved wording.

Section 67450.4: This section, which is based on existing Title 22, CCR, Section 67034, sets forth the closure cost financial assurance requirements for TTUs deemed to be permitted-by-rule. This section conforms to the existing, corresponding Title 22, CCR regulation except as follows:

Section 67450.4(e): This section lists the mechanisms that may be used to establish financial assurance for closure costs. The existing Title 22, CCR regulation (67034(a)(4)(B)) lists "a surety bond guaranteeing performance of closure" as an acceptable mechanism, since this is a mechanism currently allowed under Title 22, CCR, Section 67006 for hazardous waste facilities. However, under the proposed regulations this type of surety bond is not an acceptable mechanism for hazardous waste facilities. Therefore, for consistency, this mechanism

is also not being allowed for TTUs under the proposed regulations.

Section 67450.5: This section, which is based on existing Title 22, CCR, Section 67035, sets forth the liability coverage requirements for TTUs permitted-by-rule. This section conforms to the existing, corresponding Title 22, CCR regulation except as follows:

Sections 67450.5(d)(3)-(6): Current state regulations and prior federal regulations only allowed hazardous waste facilities to meet the liability coverage requirements through liability insurance, a financial test, an alternative mechanism (allowed only under state regulations), or any combination of these three mechanisms. Existing Title 22, CCR, Section 67035 allowed the same mechanisms for TTUs permitted by rule. Recent 40 Code of Federal Regulations (CFR) regulation changes and proposed Title 22, CCR, Sections 66264.147 and 66265.147 allow hazardous waste facilities to use of the following additional mechanisms: guarantee, letter of credit, surety bond and trust fund. Since the intent of the existing, corresponding Title 22, CCR regulation (Section 67035) is to allow permitted by rule TTUs to use the same liability coverage mechanisms as hazardous waste facilities, language is being added to this section allowing the use of the four additional mechanisms listed above.

## REPEAL OF EXISTING TITLE 22:

The State's existing hazardous waste control regulations, Title 22, CCR, Division 4, Chapter 30, are being repealed and completely replaced by the proposed regulations, Title 22, CCR, Division 4.5. As explained in the introduction to this document, most of the proposed regulations were created by modifying current federal language from 40 CFR Parts 124 and 260-270. Existing State regulations with no federal counterpart were transferred into the proposed regulations with little or no change. Some existing State regulations were not incorporated because they were superceded or replaced by the federal regulations used as the basis for the proposed regulations. Some existing state regulations are being repealed and are not being replaced.

A checklist has been attached to this document as "Appendix I" which lists all current Title 22 regulations being repealed in this rulemaking in numerical order. This section explains the fate of each regulatory requirement of those existing regulations as follows:

Status Code "d": The applicable section/subsection was not incorporated. Explanation for nonincorporation of Title 22 sections follow this introduction.

Status Code "r": The applicable section/subsection was replaced by equivalent or more stringent federal language.

Status Code "m": The applicable section/subsection was incorporated into the proposed regulations with substantive modifications. Those modifications are explained in the detailed explanation for that element of the proposed regulations in the preceding portion of this document.

Status Code "t": The applicable section was transferred into the proposed regulations with no modifications or with only non-substantive changes. The non-substantive changes are explained in the general explanation for the "generic" changes in the introductory element of this document or are explained in the detailed explanation for that element of the proposed regulations in the preceding portion of this document.

A Second checklist has been appended to this document for the convenience of the reviewers. This checklist is formatted in order of proposed regulation sections and establishes the equivalence of the existing and proposed regulations by using the codes explained above.

## NON-INCORPORATED SECTIONS OF EXISTING TITLE 22

The following sections are being deleted because the subject matter of each section has been repealed. These sections contain only

historical repealer language and no regulatory language. These sections are listed in numeric order as follows:

Section 66436, Section 66444, Section 66452, Section 66460, Section 66550, Section 66555, Section 66560.

The following regulations are being repealed and are not being replaced by equivalent federal provisions or new provisions. An explanation of the deletion is included.

Section 66011: This section defines the term "applicant". This section is being deleted because the Title 22 CCR definition is inconsistent with that definition of "applicant" in Health and Safety Code section Sectic.: 25110.1.

Section 66011.1: Aquifer: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66011.3: Authorized representative: This definition is being replaced by the definition from 40 CFR Section 260.10 which is identical except for including an operational unit along with a facility in the responsibilities of the authorized representative.

Section 66015.5: Certification: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66027: Closed portion: This definition is being replaced by the definition from 40 CFR Section 260.10 which is identical except for referring to "all" applicable closure requirements.

Section 66027.8: Confined aquifer: This definition is being replaced by the definition from 40 CFR Section 260.10 which is identical except for lacking a typo which appears in the Title 22 definition ("and" should be "an").

Section 66027.9: Constituent: This definition is being replaced with a new definition of "hazardous constituent or constituent". This new definition includes all the components included in the existing Title 22 definition. The phrase "or hazardous waste constituent" is not being included in this definition because this phrase refers to Appendix VII materials rather than Appendix VIII.

Section 66033: Contingency plan: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66040: Dike: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66041: Discharge: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66042: Disposal: This definition is being replaced by the statutory definition of disposal found in Health and Safety Code Section 25113.

Section 66044: Disposal facility: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66048: Elementary neutralization unit: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66050: Environmental Protection Agency identification number: This definition is being replaced by a definition of "Identification Number" because the State will have the authority to issue two kinds of Identification number when it becomes authorized; an EPA identification number for federally regulated facilities, and a State Identification number for State regulated facilities.

Section 66070: Facility: This definition is being replaced by the new statutory definition of "Hazardous waste facility or facility" found in Health and Safety Code Section 25117.1.

Section 66074: Freeboard: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66076: Free liquids: The existing Title 22 definition is less stringent because it specifies a test for free liquids which is performed at atmospheric pressure. The 40 CFR definition replacing the existing Title 22 definition requires that this test be conducted at ambient pressure; in certain circumstances, for instance deep inside a landfill cell, ambient pressure can be far in excess of atmospheric pressure. Thus, deep inside a landfill cell free liquids can appear that will not at atmospheric pressure.

Section 66078: Generator: This definition is being replaced by the definition from 40 CFR Section 260.10 which is almost identical to the existing Title 22 definition except for the internal reference to waste classification regulations.

Section 66079: Ground water: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66096: Hazardous waste facility: This definition is being replaced by the new statutory definition of "Hazardous waste facility or facility" found in Health and Safety Code Section 25117.1.

Section 66099: Hazardous waste facility permit: This definition is being replaced by the 40 CFR definition. The 40 CFR definition is more specific than the existing Title 22 definition by including different types of permit and a reference to authorized states.

Section 66108: In operation: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66109: Inactive portion: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66110: Incinerator: This definition is being replaced by the federal definition. The federal definition is different but captures the same universe of devices that the existing State definition does. The federal definition has been chosen over the State definition to maintain consistency of terms between State and federal regulations.

Section 66111: Incompatible waste: This definition is being replaced by a 40 CFR Section 260.10 definition which is identical except for referring the reader to an appendix listing of Incompatible wastes.

Section 66113: Injection well: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66114: Inner liner: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66116: International shipment: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66123: Landfill: This definition is being replaced by the current 40 CFR definition which includes more types of facility under this definition. Because regulations for landfills are more stringent than regulations for storage facilities, the 40 CFR definition is more stringent by including more facilities in this definition.

Section 66124: Landfill cell: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66126: Leachate: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66130: Management: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66131: Manifest: This definition is being replaced by a 40 CFR definition which includes manifests used by originating states other than California.

Section 66133: Movement: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66134.8: New hazardous waste facility: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66142: Open burning: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66146: Operator: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66152: Partial closure: This definition is being replaced by a 40 CFR definition which includes closure of a "unit" rather than closure of "discrete portion of a facility". Federal law requires that facilities be closed by unit; a "discrete portion" is not necessarily a unit.

Section 66158: Personnel: This definition is being replaced by an identical definition (except for internal reference numbering) from 40 CFR Section 260.10.

Section 66160: Pile: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66162: Point source: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66165: Property damage: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66166: Publicly owned treatment works: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66178: Representative sample: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66186: Run-off: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66187: Run-on: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66189: Saturated zone: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66193: Sludge: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66203: Tank: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66204: Thermal treatment: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66208: Totally enclosed treatment facility: This definition is being replaced by the definition from 40 CFR Section

260.10 which is identical except for the inclusion of an example of a totally enclosed treatment facility.

Section 66224: Underground injection: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66225: Unsaturated zone: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66225.5: Uppermost aquifer: This definition is being replaced by a definition from 40 CFR Section 260.10 which is being modified to remove a less stringent provision. This modification of the 40 CFR definition makes the proposed definition identical to the proposed definition.

Section 66232: Vessel: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66234: Wastewater treatment unit: This definition is being replaced by a definition from 40 CFR Section 260.10 which is identical except for the wording of the internal references to other law.

Section 66240: Well: This definition is being replaced by an identical definition from 40 CFR Section 260.10.

Section 66300: This title 22 section establishes the applicability and scope for the State's hazardous waste control regulations. In 40 CFR, this applicability and scope is stated in the beginning of several sections which specifically establish requirements for waste classification, generators, transporters, and facilities. Subsections not incorporated are discussed below.

Section 66300(a) tells the reader that the regulations following apply to anyone managing a waste which meets the statutory definition of a hazardous waste in Health and Safety Code Section 25117. In the proposed regulations, the introductory section of each chapter establishes a comparable applicability specific to the standards in Title 22 Section 66300 (a). Applicability for waste classification regulations is contained in the two sections, 66261.2, Definition of a Waste, and 66261.3, Definition of a Hazardous Waste. Applicability for the generator regulations is contained in Section 66262.10, applicability for transportation regulations is contained in Section 66263.10, applicability for permitted facility regulations is contained in Section 66264.1, applicability for interim status facility regulations is contained in Section 66265.1, applicability for the recycling regulations is contained in Section 66261.6, applicability for new hazardous waste land disposal facility regulations is contained in Section 66267.1, applicability for the land disposal regulations is contained in Section 66268.1, and

applicability for additional facility permit regulations is contained in Section 66270.1.

Section 66300 (a)(1) includes wastes hazardous by any criteria of Article 11 or residues from those wastes in the applicability of Subsection (a). These requirements appear in Section 66261.3, Definition of a Hazardous Waste.

Section 66300 (b) has been deleted because the State is required to regulated wastes consisting of a mixture of radioactive materials and chemically hazardous components as hazardous waste as a condition for authorization. These wastes, known as "mixed waste", are currently regulated as hazardous wastes in the State pursuant to Section 66300 (a)(2) and (a)(3), the mixture rule which states that mixtures of any substances with hazardous wastes are regulated as hazardous wastes. These wastes are also regulated as hazardous wastes under federal law; thus, deletion of this provision establishes no new regulatory requirements.

Section 66300 (d) establishes the applicability of the facility permit regulations. In these proposed regulations, applicability for permitted facility regulations is contained in Section 66264.1, applicability for interim status facility regulations is contained in Section 66265.1, applicability for the recycling facilities is contained in Section 66261.6 and Section 66266.1, applicability for new hazardous waste land disposal facility regulations is contained in Section 66267.1, and applicability for additional facility permit regulations is contained in Section 66270.1.

Section 66300 (e) is introductory language for exclusions from the State's hazardous waste facility permit requirements. This introduction appears in the applicable subsections of proposed Section 66261.4 and in the introductions to the exclusions in Sections 66262.1, 66263.1, 66264.1, 66265.1, and 66270.1.

The provision in Section 66300 (e)(1) is found in proposed Sections 66264.1(c) and 66265.1(d)(1).

The provision in Section 66300 (e)(2) is found in proposed Sections 66264.1(d) and 66265.1(e)(2).

The provision in Section 66300 (e)(3) is found in proposed Sections 66261.4(e) and 66261.5(d)(3).

The provision in Section 66300 (e)(4) is found in proposed Sections 66261.4(g)(3) and 66261.5(d)(7).

The provision in Section 66300 (e)(5) is found in proposed Sections 66261.4(g)(4) and 66261.5(d)(8).

The provision in Section 66300 (e)(6) is found in proposed Sections 66261.4(g)(8)(A)1. through (g)(8)(A)3. and 66261.5(d)(11).

The provision in Section 66300 (e)(7) is found in proposed Sections 66261.4(g)(9) and 66261.5(d)(12).

The provision in Section 66300 (e)(8) is found in proposed Sections 66261.4(g)(10) and 66261.5(d)(13).

The provision found in Section 66300 (f) has no 40 CFR counterpart and is not being included because this provision is less stringent than federal law. Facility standards found in federal law must be complied with unless the petitioner is granted a regulatory amendment under 40 CFR Section 260.20.

Section 66316.2 (a)(1): This section of existing Title 22, CCR requires the Department to notify an applicant of the Department's decision on a permit application within 180 days after the application is accepted as complete. This regulation was originally adopted in 1985 to comply with Government Code Section 15376. However, as a result of the enactment of Government Code Section 65963.1 (b) in 1986 (in conjunction with Government Code Section 15377), Government Code Section 15376 no longer applies to the hazardous waste facility permitting program. Therefore, there is no longer a statutory mandate for this regulation. Additionally, it is no longer possible for the Department to comply with the 180-day time limit in most cases, because of the increased number of permit applications and the increased complexity of the permitting process. The 180 days also does not typically allow adequate time for complying with the requirements of the California Environmental Quality Act (CEQA). Therefore, Section 66316.2 (a)(1) is being deleted from Title 22, CCR in the proposed regulations.

Sections 66316.3 (a)(1), (b)(1) and (c)(1): These sections of existing Title 22, CCR list the median, minimum and maximum processing times for hazardous waste facility permits as of February, 1985. These regulation sections were originally adopted in 1985 to comply with Government Code Section 15376 which, as explained above (under Section 66316.2 (a)(1)), no longer applies to the hazardous waste facility permitting program. Therefore, there is no longer a statutory mandate for these regulations. Additionally, these processing time frames are no longer accurate given the increased time required to process most permits discussed above (under Section 66316.2 (a)(1)). For these reasons, and because of the non-regulatory nature of the provisions contained in Sections 66316.3 (a)(1), (b)(1) and (c)(1), these sections are being deleted from Title 22, CCR in the proposed regulations.

Section 66315: This section states that no local agency shall enforce any requirement, other than those of this division, which

would impede interstate or intrastate transportation or disposal of hazardous waste or which would impede use of facilities for regional multi-county management of hazardous waste. This section is being deleted because it does not clarify or make specific any existing sections of the Health and Safety Code. No specific statutory reference could be found for this section.

Section 66320: This section specifies that the Director or any duly authorized representative of the Department shall enforce the requirements of Article 3, Title 22 CCR. This section is being deleted because the requirements of this section are more fully described by Health and Safety Code section Section 25180. The language of this section is duplicative with Health and Safety Code section Section 25180 and therefore does not provide additional clarification of the statutory language.

Section 66336: This section establishes the conditions for the issuance of an order of the Director. This section is being deleted because the statutory authority for "Orders to the Director" is superseded by Health and Safety Code section Section 25187. This section is no longer consistent with statute.

Section 66344: This section describes the appeal process for a person who has been unable to resolve an alleged deficiency. This section is being deleted because it is not consistent with Health and Safety Code section Section 25187.

Section 66352: This section describes the availability of records of hearings by the Department at the Vector and Waste Management Section. This section is being deleted because it is not consistent with Health and Safety Code section Section 25187.

Section 66391 (b)(1)(B): This section of existing Title 22, CCR was taken from 40 CFR Section 270.15 (b), which pertains solely to an exemption from containment requirements allowed under 40 CFR Section 264.175 (c) for container storage areas that store only wastes containing no free liquids. Existing Title 22, CCR Section 67245 and proposed Title 22, CCR Section 66264.175, which correspond to 40 CFR Section 246.175, do not allow for this exemption. Therefore, Section 66391 (b)(1)(B) was originally adopted in error, and is being deleted from Title 22, CCR in the proposed regulations.

Section 66391 (b)(7)(H): This section pertains solely to existing Title 22, CCR Section 67422 which allows bulk or noncontainerized liquid waste or waste containing free liquids to be landfilled under certain circumstances. Section 67422 is being deleted from Title 22, CCR in the proposed regulations, because 40 CFR (Section 264.314) is more stringent as it prohibits the placement of such wastes in landfills effective May 8, 1985. Therefore, Section 66391 (b)(7)(H) is also being deleted from Title 22, CCR in the proposed regulations.

Section 66392 (b): This section of existing Title 22, CCR allows certain hazardous waste injection wells to be permitted-by-rule. This regulation is being deleted from Title 22, CCR in the proposed regulations because permits-by-rule are no longer allowed under state statute for any hazardous waste injection wells. (Health and Safety Code Section 25159.15 prohibits the operation of a hazardous waste injection well in California without a hazardous waste facility permit meeting requirements set forth in the Health and Safety Code.)

Section 66484: Generator Use of the Manifest.

Section 66484 (e): This subsection is being deleted. It states that one manifest may be used daily for large waste volumes which require several loads. This is less stringent than the transporter regulations allow. The modified manifest procedure covered in the transporter regulations establish the process to be followed in this type of situation.

Article 15: Existing Title 22, Division 4, Chapter 30, Article 15 CCR is not being included in the proposed regulations. It is being replaced by proposed Chapter 18 which includes the regulatory requirements of current Article 15. The regulatory requirements of existing Article 15 are scattered throughout proposed Chapter 18 because we are adopting the structure and format of 40 CFR in our proposed regulations. The fate of specific provisions of existing Article 15 is summarized below:

Section 66900: The land disposal bans of this section are emplaced in the proposed regulations in Section 66268.32 (a).

Section 66905: The schedule for land disposal bans of this section has been incorporated into the schedules for land disposal bans in proposed Chapter 18, Article 2. The criteria for extension of a land disposal ban in subsection (b) et seq. is not longer applicable because the hazardous wastes specified in the schedule of subsection (a) are already banned from land disposal under existing State and federal law.

Section 66910: The exemption for land disposal of lab packs is contained in statute (Health and Safety Code Section 25179.9) and will not be repeated in these regulations. The packaging requirements spelled out are equivalent to the packaging required for disposal of general hazardous wastes.

Section 66915: The dilution prohibition of this portion is found in Section 66268.3 of the proposed regulations.

Section 66920: Permit conditions are always enforceable as specified in Chapter 20 of the proposed regulations.

Section 66925: The categorical exemptions from the land disposal restrictions contained in this section are accounted for as follows:

Subsection (a)(1): Injected materials are regulated under the Toxic Injection Well Control Act of 1985, Health and Safety Code Sections 25159.10 through 25159.25. It is not necessary to repeat those provisions in these regulations.

Subsection (a)(2): Mining overburden is declared to be "not a hazardous waste" in proposed Section 66261.4 (b)(1) and is thus beyond the scope of these proposed land disposal restrictions.

Subsection (a)(3): This provisions is repetitive of the statutory provision in Health and Safety Code Section 25179.6 (a)(2). Note that the statute limits the exemption for cleanup wastes to those not restricted by the federal government under RCRA while existing Title 22 Section 66925 CCR does not. Because the federal bans apply irrespective of the State exemption, this limitation conforms to the existing aggregate stringency of State and federal law.

Subsection (b) is not necessary; all provisions of the hazardous waste control law apply to a materials within their scope with or without this statement. This statement is therefore not being transferred to the new regulations.

Sections 66930 and 66935: The variances set forth in these sections have been superseded by the variance procedures in 40 CFR Part 268 Sections 268.4 through 268.6 and by Health and Safety Code Sections 25179.7, 25179.8, and 25179.10. Thus, the provisions of these existing Title 22 Sections are not necessary.

Section 67168: Disposal Reports by Owner or Operator of Off-site Hazardous Waste Facility. This section is being deleted. This section requires that a copy of the completed manifest be sent to the Department. The new regulations cover this requirement (Sections 66264.71 and 66265.71).

Section 67169: Monthly Reports by Operator of On-Site Hazardous Waste Facility. This section is being deleted. It requires the operator of an on-site hazardous waste facility to submit a monthly report to the Department indicating the amount of hazardous waste received. This information can be obtained in the Department's annual report. (Proposed sections 66264.75 and 66265.75).

Sections 67180 through 67190: These sections establish the environmental monitoring requirements for permitted facilities. The requirements in these sections have been reorganized into two separate articles in the proposed regulations. The requirements for monitoring ground water, surface water, and the unsaturated

zone are found in Chapter 14, Article 6. The requirements for monitoring air, soil, and soil-pore gas are found in Chapter 14, Article 17.

Section 67183(c): This subsection required the Department to rely upon decisions made by the regional water quality control board unless human health or the environment was threatened. It has been deleted because, for the purposes of authorization, the Department must have independent authority to take actions necessary for the protection of human health and the environment.

Section 67186: This subsection establishes the compliance period during which the environmental protection standard applies. The compliance period is based on a model for contaminant transport in ground water. This section has been deleted from article 17 because it is not considered to be appropriate for use in air monitoring, soil monitoring, or soil-pore gas monitoring.

Section 67187: This subsection required the Department to incorporate waste discharge requirements into the facility permit. It has been deleted because, for the purposes of authorization, the Department must have independent authority to issue permits and to take other actions necessary for the protection of human health and the environment.

Sections 67191 through 67195: These sections establish the environmental monitoring requirements for interim status facilities. The requirements in these sections have been reorganized into two separate articles in the proposed regulations. The requirements for monitoring ground water, surface water, and the unsaturated zone are found in Chapter 15, Article 6. The requirements for monitoring air, soil, and soil-pore gas are found in Chapter 15, Article 17.

Section 67191(c): This subsection required the owner or operator to implement a ground water monitoring program as specified in waste discharge requirements. It has been deleted because, for the purposes of authorization, the Department must have independent authority require ground water monitoring at interim status facilities.