Amend Title 22, Division 4.5, Chapter 10, Article 2, section 66260.10 of the California Code of Regulations to read as follows:

66260.10. Definitions.

...

"Department" means the ~~State Department of Health Services.~~ Department of Toxic Substances Control.

...

"Permanent household hazardous waste collection facility" or "PHHWCF" means a facility operated by a public agency or its contractor which:

(a) is operated in accordance with section ~~67800.1(e)~~ 67450.25; and

(b) is permanently sited at a location.

NOTE: Authority cited: Sections 25141, 25150, 25159, 25219.3(d) Health and Safety Code. Reference: 25110.02, 25110.1, 25110.5, 25111, 25112, 25112.5, 25113, 25114, 25115, 25117, 25117.1, 25117.3, 25117.8, 25117.9, 25117.11, 25118, 25119, 25120, 25121, 25121.5, 25122.7, 25123, 25123.3, 25123.5, 25123.6, 25141, 25159.5, 25218.1(f), 25218.3, 25229, 58004, 58012, Health and Safety Code; and 40 CFR Sections 260.10, 261.1, and 270.2.

Amend Title 22, Division 4.5, Chapter 20, Article 6, section 66270.60 of the California Code of Regulations to read as follows:

66270.60. Permits by Rule.

...

(c)(2) An owner or operator who has been granted interim status or another grant of authorization other than those specified in paragraph (3), and who intends to operate under a permit by rule shall advise the Department, in writing, of intent to operate pursuant to a permit by rule, request withdrawal of a submitted Part B application, if applicable, and submit the notification specified in subsection ~~66270.60~~(d)(6)(A) of this section or section 67450.2(b)(2), whichever is applicable. ~~If a~~ However, an ~~permanent household hazardous waste collection facility~~ PHHWCF operator ~~has previously submitted a completed DTSC Form 1094 with required attachments, the operator~~ who has been granted interim status shall only be required to submit ~~a new~~ the notification specified in subsection (d)(6)(A) of this section if there are revisions to the ~~original~~ information submitted in the Standardized Permit ~~n~~Notification, and if the operator advises the Department, in writing, 45 days prior to January 1, 1998, of the operator's intent to operate pursuant to a permit by rule.

(c)(3) Operators of PHHWCFs who have been issued a consent order~~s~~ or variance~~s~~ in lieu of a permit or grant of interim status to operate the PHHWCF shall submit a written request for cancellation of the consent order or variance and shall submit the notification required by subsection (d)(6)(A) of this section no later than 45 days prior to the expiration date of the variance or consent order if the operator intends to operate the PHHWCF after the expiration date of the variance or consent order. Operators of PHHWCFs who have been granted interim status and who do not advise the Department, in writing, at least 45 days prior to January 1, 1998, of intent to operate pursuant to a permit by rule, shall submit the notification specified in subsection (d)(6)(A) of this section no later than 45 days prior to January 1, 1998 if the operator intends to operate the PHHWCF after January 1, 1998.

...

(d)(5) The operator of a temporary household hazardous waste collection facility (THHWCF). The operator of a THHWCF shall be deemed to have a permit when the operator complies with subsections (d)(5)(A) and (d)(5)(B) of this section. For purposes of this section, the public agency signing the notification required by subsection (d)(5)(A) of this section shall be deemed to have the permit to operate the THHWCF and shall assume all the responsibilities of an operator as specified

in the sections applicable to THHWCFs. A public agency operating a THHWCF may enter into a written agreement with a person (contractor) to conduct the operations at the facility. The public agency shall be deemed the operator for the purposes of ~~these regulations~~ Chapters 20 and 45, and the other party to the agreement shall be deemed the contractor for the purposes of ~~these regulations~~ Chapters 20 and 45.

(A) The operator of a THHWCF shall submit, in person or by certified mail with return receipt requested, a Temporary Household Hazardous Waste Collection Facility Permit by Rule Notification (DTSC Form 8464) (9/94) to the Department of Toxic Substances Control, ~~Surveillance and Enforcement Branch,~~ State Regulatory Branch, ~~400 "P" Street~~ 700 Heinz Avenue, Building "F", Suite 200, ~~P.O. Box 806, Sacramento, CA 95812-0806~~ Berkeley, CA 94710.

...

(d)(6) The operator of a permanent household hazardous waste collection facility (PHHWCF). The operator of a PHHWCF shall be deemed to have a permit when the operator complies with subsections (d)(6)(A) and (d)(6)(C) of this section and receives an acknowledgment from the Department authorizing operation of the PHHWCF pursuant to subsection (d)(6)(B) of this section. For purposes of Chapter 20 commencing with section 66270.1, and Chapter 45 commencing with section 67450.1, the public agency signing the notification required by subparagraph (A) of this paragraph shall be deemed to have the permit to operate the PHHWCF and the public agency or its contractor who conducts the operation of the PHHWCF shall assume all the responsibilities of an operator as specified in sections 67450.25 and 67450.30. A public agency operating a PHHWCF may enter into a written agreement with a person to conduct the operations at the facility. In such instances, the public agency shall be deemed the operator for the purposes of Chapters 20 and 45, and the other party to the agreement shall be deemed the contractor for the purposes of ~~these regulations~~ Chapters 20 and 45.

(A) The operator of a PHHWCF shall submit, in person or by certified mail with return receipt requested, a Permanent Household Hazardous Waste Collection Facility Permit by Rule Notification (DTSC Form 1094B) ~~(12/95)~~ (09/96) to the Department of Toxic Substances Control, State Regulatory Branch, ~~400 "P" Street, P.O. Box 806, Sacramento, CA 95812-0806~~ 700 Heinz Avenue, Building "F", Suite 200, Berkeley, CA 94710. The notification shall be submitted a minimum of 45 days in advance of the planned commencement of operation except as provided in subsections ~~67270.60~~(c)(2) and (c)(3) of this section. Each notification required by this subsection shall be completed, dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications and

shall be submitted with all of the following:

1. the name, mailing address and telephone number of the operator;

2. the facility name, address, legal description of the facility location, and identification number issued by the Department;

3. the contractor's name, address, telephone number and name of the contact person ~~of the contractor~~, if applicable;

4. a listing of all local and state permits required ~~and obtained~~ for the operation of the facility, and an indication of whether those permits have been obtained;

5. a copy of a written agreement between the property owner and facility operator, if applicable, allowing operation of the PHHWCF;

~~6. An indication whether the PHHWCF is located on Indian lands;~~

~~7~~6. an indication whether the facility will accept wastes from conditionally exempt small quantity generators;

~~8~~7. an identification of the types of wastes that will be consolidated at the PHHWCF, if applicable;

~~9~~8. an estimate of the total quantity of waste expected to be brought to the PHHWCF in an average month;

~~10~~9. the designed capacity of the storage units at the PHHWCF;

~~11~~10. the operating schedule of the PHHWCF;

~~12~~11. a narrative description of the facility and its operation, including a description of the length of time waste will be held at the facility~~. (The operator of a PHHWCF may store wastes at the facility for up to one year from the date of collection.)~~;

~~13~~12. a ~~map or~~ plot plan of the facility showing the general perimeters of the facility, traffic patterns, and all hazardous waste management units, and including the information specified in section 66270.14(b)(18)(A), (F), (G), (H), (J), and (L). (This requirement may be satisfied by submitting a hand drawn schematic.)

~~14. a topographic map showing the PHHWCF location and the area extending 2000 feet beyond the property boundaries of the facility. The map shall clearly show the boundaries of the facility, the surrounding land uses(residential, commercial, agricultural, recreational), orientation of the map(north arrow), all springs and surface water bodies in the area, plus all~~

~~drinking water wells within the specified area which are identified in the public record or otherwise known to the operator. (This requirement may be satisfied by submitting a legible copy of a commercially available topographic sheet enlarged to the scale of approximately 200 feet per inch.)~~

(B) The Department, within thirty (30) calendar days of receipt of a notification submitted pursuant to subsection (d)(6)(A) of this section, shall acknowledge in writing receipt of the notification. The Department shall, in conjunction with the acknowledgment, authorize operation of the PHHWCF subject to the requirements and conditions of section 67450.25; deny authorization to operate under a permit by rule pursuant to section 67450.9(a); or notify the operator that the notification is incomplete or inaccurate and inform the operator of the additional information or correction(s) ~~that is~~ needed. The Department shall reject the notification of any operator who fails to provide the information or correction(s) requested within ten (10) calendar days of receipt of the acknowledgment. Upon good cause shown by the operator, the Department shall grant the operator additional time to provide the information or correction(s) requested. An operator whose notification is rejected may submit a new or revised notification.

(C) Fortyfive (45) calendar days prior to implementing any change in the operation of the facility as described in the notification required by paragraph (A) of this subsection, the operator shall send a revised notification (DTSC Form 1094B) (09/96) to the Department at the address specified in paragraph (A) of this subsection. The Department shall notify the operator if the information is incomplete or inaccurate within thirty (30) calendar days of receipt of the revised notification. Upon good cause shown by the operator, the Department shall allow the operator to submit the revised notification within a shorter period of time prior to implementing the change.

(D) The Department, within thirty (30) calendar days of receipt of a revised notification submitted pursuant to subsection (d)(6)(C) of this section, shall acknowledge in writing receipt of the revised notification. The Department shall, in conjunction with the acknowledgment, authorize continued operation of the PHHWCF subject to the requirements and conditions of section 67450.25; deny authorization to operate under a permit by rule pursuant to section 67450.9(a); or notify the operator that the revised notification is incomplete or inaccurate and inform the operator of the additional information or correction(s) needed. The Department shall reject the revised notification of any operator who fails to provide the information or correction(s) requested within ten (10) calendar days of receipt of the acknowledgment. Upon good cause shown by the operator, the Department shall grant the operator additional time to provide the information or correction(s) requested. An

operator whose revised notification is rejected may submit a new revised notification.

~~(C)~~(E) Each PHHWCF operator and contractor shall comply with the requirements specified in section 67450.25 between the time the PHHWCF commences operation and the time the requirements of section 66265.111 are met.

NOTE: Authority cited: Sections 25150, 58102, 25218.3(d), Health and Safety Code. Reference: Sections 25159, 25159.5, 25218.2, 25218.3 and 25218.8 Health and Safety Code.

Amend Title 22, Division 4.5, Chapter 45, Chapter Heading of the California Code of Regulations to read as follows:

Chapter 45. ~~**Transportable Treatment Units and Fixed Treatment Units**~~ Requirements for Units and Facilities ~~**and Treatment Units Deemed to have a Permit by Rule**~~

Amend Title 22, Division 4.5, Chapter 45, section 67450.4 of the California Code of Regulations to read as follows:

67450.4 Requirements Applicable to Temporary Household Hazardous Waste Collection Facilities Deemed to Have a Permit by Rule.

...

(b)...

~~(c)~~(c) The operator of a THHWCF shall maintain compliance with Sections 66264.16 and 66264.17 and the following regulations.

Note: Authority cited: Section 25150 and 58012, Health and Safety Code. Reference: Sections 25112.5, 25150, 25159, 25159.5, 25185.6, 25186, 25200, 25200.2, 25205 and 25205.1, Health and Safety Code, and Code of Federal Regulations Title 40, Section 262.41.

Amend Title 22, Division 4.5, Chapter 45, section 67450.9 of the California Code of Regulations to read as follows:

67450.9. Termination and Denial of Authorization or Reauthorization, and Operating Restrictions for Units and Facilities Operating Under Permit by Rule.

...

(c) Any authorization to operate granted pursuant to section 67450.2(a), ~~or~~ section 67450.2(b), section 66270.60(d)(5) or section 66270.60(d)(6) or reauthorization granted pursuant to section 67450.3(b) or section 67450.3(d) is contingent upon the accuracy of information contained in the notifications required by sections 67450.2(a) and (b), ~~and~~ sections 67450.3(a) and (c), section 66270.60(d)(5)(A), and section 66270.60(d)(6)(A). Any misrepresentation or any failure to fully disclose all relevant facts shall render the authorization or reauthorization to operate null and void.

Note: Authority cited: Sections 25150 and 58012, Health and Safety Code. Reference: Sections 25186, 25186.1, 25186.2, ~~and~~ 25200, 25218.2 and 25218.3, Health and Safety Code; and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Amend Title 22, Division 4.5, Chapter 45, section 67450.25 of the California Code of Regulations to read as follows:

67450.25. Requirements Applicable to Permanent Household Hazardous Waste Collection Facilities Deemed to Have a Permit by Rule.

(a) The operator ~~and~~ or contractor who ~~conducts the operation of~~ operates a PHHWCF deemed to have a permit by rule pursuant to section 66270.60 shall do all of the following:

(1) Maintain compliance with sections 66262.10 through 66262.57, (except section 66262.41), 66264.175, and 66265.148, except as follows:

(A) the engineering certification required by section 66264.175(c) ~~may~~ shall be provided by a manufacturer, an independent professional engineer registered in the State of California or a professional engineer employed by the local government entity and from a different division or agency than the operator.

(2) Maintain compliance with the following regulations in Chapter 15 of this division, including those referring to permit applications:

(A) Article 2 commencing with section 66265.10. General Facility Standards (except sections 66265.12(b), and ~~sections~~ 66265.13~~(a) and 66265.13(b)~~. However, the operator or contractor shall prepare and maintain a written waste analysis plan describing the procedures which the operator or contractor will carry out to characterize ~~Waste analysis shall apply only to~~ unidentified wastes received at the facility. Field analysis methods such as Hazard Category (HAZCAT) analysis may be used ~~as needed~~ to characterize unidentifiable wastes into Federal Department of Transportation (DOT) hazard classes;

(B) Article 3 commencing with section 66265.30. Preparedness and Prevention;

(C) Article 4 commencing with section 66265.50. Contingency Plan and Emergency Procedures (except section 66265.53(b));

(D) Article 5 commencing with section 66265.70. Manifest System, Recordkeeping and Reporting (except that sections 66265.73(b)(2), 66265.73(b)(6), 66265.73(b)(7), 66265.73(b)(15) and 66265.75 and sections 66265.71, 66265.72, and 66265.76 shall not apply to operators of facilities that do not receive manifested waste);

(E) Article 7 sections 66265.110 through 66265.115. Closure and Post-Closure;

(F) Article 9 commencing with section 66265.170. Use and Management of Containers. (except that the minimum distance specified in section 66265.176 may, at the discretion of the operator or contractor, be less than 15 meters (50 feet) from the facility's property line if the shorter distance minimizes the possibility of migration of contaminants to any adjacent property should a release occur, meets the Uniform Fire Code or local fire code requirements (whichever are more stringent), and the operator or contractor has written approval from all the appropriate local agencies to use the shorter distance);

(G) Article 10 commencing with section 66265.190. Tank Systems (except that the contingency plan for post-closure required by section 66265.197(c)(2) shall be maintained with the closure plan required by section 66265.112, and the engineering certification required by section 66265.192(g) ~~may~~ shall be provided by a manufacturer, an independent professional engineer registered in the State of California or a professional engineer employed by the local government entity and from a different division or agency than the operator).

(3) Prepare and maintain at the facility an operation plan comprising a copy of the notification submitted pursuant to section 66270.60(d)(6)(A), copies of the financial assurance documents required by section 67450.30, if applicable, a copy of the acknowledgment from the Department specified in section 66270.60(d)(6)(B), copies of the documents required by subsection (a)(2) of this section, and the items specified in subparagraphs (A) and (B) of this paragraph.

(A) a written plan addressing the procedures to be followed whenever the PHHWCF meets or exceeds its maximum storage capacity, so that the appropriate storage conditions may be maintained. This plan shall be implemented when necessary.

(B) the information required by sections 67450.4(b)(6), (b)(8), (b)(9), (b)(13), (b)(14) if applicable, (b)(16), (b)(17), and (b)(18).

(C) The operator or contractor shall make the operation plan available upon request to any representative of the Department, the U.S. EPA, or a local governmental agency having jurisdiction over the operation of the PHHWCF. A copy of the operation plan shall also be delivered in person or by certified mail with return receipt requested to the Department when requested by the Department.

(4) Maintain compliance with sections 67450.4(d), (e), (g), (h)(3), and (i) as those sections apply to THHWCFs, except as modified below:

(A) 67450.4(d)(4). The waste handling and storage areas of the

PHHWCF shall have a continuous base that meets the requirements of section 66264.175(b)(1);

(B) 67450.4(d)(9)(E). Does not apply to PHHWCFs.

(C) 67450.4(d)(10)(D). The operator shall assure that persons delivering the waste remain in their vehicles while in the waste acceptance area of the facility and shall assure that no unauthorized persons enter waste handling and storage areas.

(D) 67450.4(e)(2). The operator of a PHHWCF may ~~also~~ consolidate the following wastes: water-based paints, oil-based paints, compatible solvents, gasoline, antifreeze, used oil, organic resins including but not limited to roofing tar, caulking and patching compounds, and adhesives, ~~waste~~ photofinishing finishing solutions and miscellaneous compatible solvent-containing wastes. If solvents, oil-based paints or gasoline are consolidated, the operator shall conduct these operations in an area approved by the local fire department and air quality management district.

(5) Maintain compliance with Health and Safety Code section 25200.14, except as specified below:

(A) Complete and file a Phase I environmental assessment with the Department within one year of commencing operation pursuant to section 66270.60 ~~within one year from the date of the adoption of the phase I checklist~~ or by June 6, 1997, whichever date is later. A PHHWCF previously authorized to operate ~~pursuant to a grant of interim status or standardized permit~~ that completed and filed the Phase I environmental assessment required by Health and Safety Code section 25200.14 ~~[before the effective date of these regulations to be inserted by OAL]~~ is not required to complete a new Phase I environmental assessment for the purpose of this subparagraph.

1. The Phase I environmental assessment required by Health and Safety Code section 25200.14 shall be limited to the area defined by the operational boundary of the PHHWCF. The assessment shall be conducted only on the area directly affected by the operations of the PHHWCF. Corrective action, if any, taken pursuant to Health and Safety Code section 25200.14(f), shall be limited to releases from regulated units at the PHHWCF.

2. The certification required by Health and Safety Code section 25200.14(c) may be obtained from the owner, operator, or their designee, a professional engineer registered in the State of California, a registered geologist, or a registered environmental assessor.

3. The Phase I environmental assessment and certification required by this section shall be submitted to the Department at the same address specified in section 66270.60(d)(6)(A). A copy

of the Phase I environmental assessment and the certification shall be made part of the operation plan required by subsection (a)(4) of this section.

(6) The operator of a PHHWCF may store wastes at the facility for up to one year from the date of collection.

NOTE: Authority cited: Sections 25150, and 25218.3(d), Health and Safety Code. Reference: Sections 25150, 25185.6, 25186, 25200, 25200.14, 25202.9, and 25218.3, Health and Safety Code.

Amend Title 22, Division 4.5, Chapter 45, Section 67450.30 of the California Code of Regulations to read as follows:

Section 67450.30. Financial Assurance for Closure for Permanent Household Hazardous Waste Collection Facilities Permitted by Rule.

(a) This section applies to all PHHWCFs, as defined in section 66260.10, deemed to have a permit pursuant to section 66270.60(d)(6).

(b) Financial assurance for closure: The operator shall prepare and submit to the Department at the same address specified in section 66270.60(d)(6)(A) a written estimate, in current dollars, of the cost of closing the PHHWCF. The estimate shall ~~equal the cost of closure at a point in time when the extent and manner of operation would make the closure most expensive~~ be based on the maximum projected closure cost: however, the closure cost estimate may take into account any salvage value that may be realized from the sale of wastes, facility structures or equipment, land, or other facility assets at the time of closure. The closure cost estimate may also take into account reduced costs that may be incurred by employing the operator's own staff and/or equipment for actual closure activities.

(1) The operator shall adjust annually the closure cost estimate for inflation within sixty (60) days prior to the anniversary date of the original establishment of the financial mechanism(s). The adjustment shall be made as specified in sections 67450.13(a)(2)(A) and (a)(2)(B) using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is ~~the result of~~ obtained by dividing the latest published annual Deflator by the Deflator of the previous year.

(A) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

(B) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

(2) The operator shall revise the closure cost estimate no more than thirty (30) days after a change in the closure plan increases the cost of closure. The revised closure cost estimate shall be adjusted for inflation as specified in subsection ~~(c)~~(b)(1) of this section.

(3) The most current closure plan and the most current closure cost estimate operator shall be keep on file at the PHHWCF during the operating life of the facility.

(4) The operator shall submit to the Department, at the same address specified in section 66270.60(d)(6)(A), a copy of each revised closure cost estimate prepared pursuant to paragraphs (1) and (2) of this subdivision.

~~(3)~~(c) On or before October 1, 1996, ~~F~~financial assurance for closure of a PHHWCF shall be established by one of the following methods and submitted with the certification required in subsection (d) of this section:

~~(A)~~(1) a closure trust fund, as ~~provided~~ specified in section 66265.143(a);

~~(B)~~(2) a surety bond guaranteeing payment into a closure trust fund, as ~~described~~ specified in section 66265.143(b);

~~(C)~~(3) a closure letter of credit, as ~~described~~ specified in section 66265.143(c);

~~(D)~~(4) closure insurance, as ~~described~~ specified in section 66265.143(d);

~~(E)~~(5) a financial test and corporate guarantee for closure, as ~~described~~ specified in section 66265.143(e);

~~(F)~~(6) an alternate financial mechanism, as ~~described~~ specified in section 66265.143(f);

~~(G)~~(7) multiple financial mechanisms for closure costs, as ~~described~~ specified in section 66265.143(g), or

~~(H)~~(8) self-insurance (for public agencies)

~~(1)~~(A) A public agency operating a ~~household hazardous waste collection facility~~ PHHWCF may satisfy the requirements of this section by submitting a certificate of self-insurance to the ~~DTSC~~ Department. The public agency shall submit DTSC Form ~~1176 (12/95)~~ 1220 (2/96) which ~~shall be~~ may be ~~provided by~~ obtained from the Department. The certificate of self-insurance shall contain original signatures.

~~(2)~~(B) The public agency shall guarantee that funds shall be available to close the facility whenever final closure occurs. The public agency shall also guarantee that once final closure begins, the public agency shall, ~~be responsible for paying out funds~~ at the direction of the Department, provide funding up to an amount equal to the full amount of the most recent closure cost estimate, ~~upon direction from the DTSC,~~ to ~~such~~ a party or parties ~~as the DTSC specifies~~ specified by the Department.

(d) On or before October 1, 1996, the operator of a PHHWCF in operation prior to October 1, 1996 shall submit a certification

to the Department at the address specified in section 662670.60(d)(6)(A) which documents compliance with the closure cost assurance requirements of subsection (b) of this section. For those PHHWCFs commencing operation after October 1, 1996, the certification shall be submitted with the notification required by section 662670.60(d)(6)(A).

(1) The certification shall contain the following information:

(A) The current closure cost estimate of the PHHWCF as determined in subsection (b) of this section.

(B) The mechanism(s) established to provide the closure cost assurance for the PHHWCF, as described in subsection (b).

(C) The name and location of the financial institution, insurance company, surety company, or other appropriate organization used to establish the closure assurance for the PHHWCF.

(D) The effective date of the closure assurance for the PHHWCF.

~~(4)~~(E) The certification shall be signed according to the requirements of section 66270.11 as those requirements apply to permit applications.

(e) On or after October 1. 1996, a PHHWCF operating pursuant to a permit by rule not more than thirty (30) days in any calendar year, or a PHHWCF whose current closure cost estimate, as specified in this section, is less than $10,000.00, is not required to provide financial assurance as specified in section 67450.30 for the cost of closure. A PHHWCF exempt from financial assurance for closure pursuant to this subsection shall maintain at the facility, an amended copy of the certification required by subsection (d) of this section stating the reasons why the PHHWCF is eligible for this exemption. A copy of the amended certification required by this section, signed according to the requirements of section 66270.11 as those requirements apply to permit applications, shall be submitted to the Department ten (10) days prior to the date upon which the operator operates pursuant to this exemption.

~~(e) Liability requirements: The operator or contractor who operates or conducts the operation of a PHHWCF pursuant to a permit by rule shall have and maintain financial responsibility for bodily injury and property damage to third parties caused by sudden or accidental occurrences arising from operation of the PHHWCF in the amount of at least $500,000 per occurrence, with an annual aggregate of at least $1,000,000, exclusive of legal defense costs. If the financial responsibility provided by the contractor proves inadequate, it shall be the responsibility of the operator to provide adequate liability coverage.~~

~~(1) Liability coverage shall be established by one or more of the following mechanisms:~~

~~(A) liability insurance, as described in Section 66265.147(f);~~

~~(B) a financial test, as described in Section 66265.147(g);~~

~~(C) a letter of credit, as described in Section 66265.147(I);~~

~~(D) a payment bond, as described in Section 66265.147(j);~~

~~(E) a trust fund, as described in Section 66265.147(k);~~

~~(F) For a public agency which is proposing to operate a household hazardous waste collection facility, self-insurance as described in Section 66265.147(l);~~

~~(G) an alternative mechanism, as described in Section 66265.147(m); or~~

~~(H) through any combination of the above mechanisms, provided the amount of coverage totals the minimum required under the subsection (c) of this section.~~

~~(2) The certification shall be signed according to the requirements of section 66270.11 as those requirements apply to permit applications.~~

NOTE: Authority cited: Sections 25150, 25218.3(d) and 25245 Health and Safety Code. Reference: Sections 25150, 25218.3(d) and 25245, Health and Safety Code.

INSTRUCTIONS FOR COMPLETING PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY STANDARDIZED PERMIT NOTIFICATION FOR PROPOSED FACILITIES FORM DTSC 1094B

For use by public agencies proposing to operate a permanent household hazardous waste collection facility (PHHWCF).

EACH SECTION OF THIS FORM MUST BE COMPLETED. INCOMPLETE FORMS WILL NOT BE PROCESSED.

Please check at the top of the form whether this in an initial or a revised notification. If this is a revision to an existing notification, place an asterisk (*) in the left margin next to the revised information. The notification must be revised whenever there is a significant change to the information required in this notification.

Please enter the name of the facility and the facility identification number at the top of each page.

I. GENERAL INFORMATION

ID NUMBER:

Enter your facility's 12-character California identification number. This number will begin with the letters "CAH". If you don't know your identification number or do not have an identification number, please contact the Department of Toxic Substances Control (DTSC) Manifest Unit at (916) 324-1781. The Manifest Unit will provide you with your number or send you an application form (Notification of Regulated Waste Activity (EPA Form 8700-12)).

FACILITY NAME:

Enter the name of the permanent household hazardous waste collection facility.

ADDRESS:

Enter the physical address of the collection facility.

LOCATION:

Describe how to locate or get to the facility. If the facility lacks a street name, give the most accurate alternative geographic information (e.g. section number or quarter section number from county records or at intersection of Rts. 425 and 22). Also enter the latitude and longitude of the facility in degrees, minutes and seconds. You may use the map you provide for Item K to determine latitude and longitude. Latitude and longitude information is also available from Regional Offices of the U.S. Department of Interior, Geological Survey and from State Natural Resource Agencies.

II. OPERATOR (PUBLIC AGENCY)

NAME:

Enter the name of the public agency that will be the legal operator of the PHHWCF.

ADDRESS:

Enter the mailing address of the public agency.

CONTACT PERSON:

Enter the name of a contact person (last name first) in the public agency who is knowledgeable about the notification and the PHHWCF.

TELEPHONE:

Enter the area code and telephone number of the contact person.

III. CONTRACTOR INFORMATION (IF APPLICABLE):

Complete this item only if the operator has contracted with another entity (e.g. private contractor) to do the actual management of the PHHWCF.

NAME:

Enter the name of the contractor company.

ADDRESS:

Enter the mailing address of the contractor company.

CONTACT PERSON:

Enter the name of a contact person (last name first) in the contractor company who is knowledgeable about the operation of the PHHWCF.

TELEPHONE NUMBER:

Enter the telephone number of the contact person.

IV. LOCAL AND STATE PERMITS REQUIRED FOR THE OPERATION OF FACILITY

List all local and state permits required for the operation of the facility. If no permits are required, state "no (local/state) permits are required" on the form. Please indicate whether the required permits have been obtained.

V. PROPERTY OWNERSHIP

PROPERTY:

Please indicate the legal ownership of the property on which the PHHWCF will be located. If applicable, include the property owner's name and telephone number. Note that if the property owner and the facility operator are different entities, a written agreement must exist between the property owner and the PHHWCF operator allowing operation of the facility.

VI. ACCEPTANCE OF AND MANAGEMENT OF SPECIFIC WASTE TYPES

WASTE FROM CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS:

Indicate whether the PHHWCF will accept wastes from conditionally exempt small quantity generators as defined by Health and Safety Code section 25218.

NON-ACCEPTANCE OF CERTAIN WASTES:

Please indicate if the PHHWCF will categorically exclude any certain types of waste. Use descriptive terms such as "compressed gas cylinders larger than 20 pounds".

CONSOLIDATION OF RECYCLABLES:

Please indicate which recyclable wastes will be consolidated at the PHHWCF.

VII. WASTE VOLUME

VOLUME COLLECTED:

Please indicate the approximate total volume of hazardous wastes you estimate will be brought to the PHHWCF in an average month. Please indicate this figure in either gallons or pounds.

STORAGE CAPACITY:

Please indicate the total capacity of each separate container storage area and specify gallons or pounds. A storage area would usually be a bermed area with an impervious base or some other type of secondary containment. Then for individual tanks, please indicate the maximum capacity of the tank and the type of waste which is stored in that tank.

VIII. DAYS AND HOURS OF OPERATION

Enter the average number of days per month during which the PHHWCF will accept wastes. Indicate also the hours the PHHWCF will be in operation on the days waste is being accepted. Show the hours using a 24-hour clock (for example: 8 am should be shown as 0800 and 1 pm should be shown as 1300).

IX. FACILITY DESCRIPTION

Please provide a detailed description of the physical components of the facility in enough detail that a person not familiar with the facility would be able to enter the facility and be able to understand the facility design. Include fencing, gates, traffic flow, waste removal area, waste sorting areas, and waste storage areas, etc.

X. REQUIRED ATTACHMENTS

A. FACILITY PLOT PLAN:

Each facility must include a drawing showing the general layout of the facility. This drawing should be approximately to scale and fit on an 8½" by 11" sheet of paper. This drawing should show the following:

1. Map scale and date.
2. The property boundaries of the facility.
3. Wind rose orientation.
4. The areas occupied by all storage and treatment units that will be used during operation of the PHHWCF.
5. The name and location of each operation area (Example: used oil storage tank, consolidation area, etc.).
6. The approximate dimensions of the property boundaries and each storage and treatment area.
7. Security provisions (fencing, gates, etc.).
8. Internal roads; on and off site traffic flow.

B. CERTIFICATION OF FINANCIAL RESPONSIBILITY FOR CLOSURE:

Attach certification required by Title 22, CCR, section 67450.30(b).

C. **WRITTEN AGREEMENT BETWEEN PROPERTY OWNER AND FACILITY OPERATOR:**
Please submit a signed agreement by the property owner acknowledging and allowing the operation of the facility if the property owner is different from the legal operator (Public Agency).

XI. OPERATOR CERTIFICATION

This section must be completed by a chief executive officer or elected official of the public agency operating the PHHWCF, as specified in Title 22, CCR, section 66270.11. **All copies must have original signatures.**

INSTRUCTIONS FOR SUBMITTAL OF NOTIFICATION

Do not send this notification to the DTSC's Regional Office. After completing the form, retain one copy for your records and submit two copies with **original signatures** to the Department of Toxic Substances Control.

Submit this notification to:

Department of Toxic Substances Control
State Regulatory Programs Division
Northern California Branch
700 Heinz Avenue, Building F, Suite 200
Berkeley, California 94710

For DTSC Use Only

Region _____

PERMIT BY RULE NOTIFICATION FORM FOR PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITIES

Please refer to the attached Instructions before completing this form.

Initial Notification ☐ Revised Notification ☐

I. GENERAL INFORMATION

ID NUMBER: CA_ _ _ _ _ _ _ _ _ _

FACILITY NAME _____

FACILITY ADDRESS _____

_____

CITY _____ CA ZIP _____-_____

COUNTY _____

LOCATION (Description) _____

_____

(Latitude & Longitude) _____

II. OPERATOR (PUBLIC AGENCY)

NAME _____

ADDRESS _____

_____

CITY _____ STATE ___ ZIP _____-_____

CONTACT PERSON _____ (Last Name) _____ (First Name)

TELEPHONE NUMBER (___)_____-_____

III. CONTRACTOR INFORMATION (if applicable)

NAME _____

ADDRESS _____

_____

CITY _____ STATE ___ ZIP _____-_____

CONTACT PERSON _____ (Last Name) _____ (First Name)

TELEPHONE NUMBER (___)_____-_____

ID NUMBER_____

PERMIT BY RULE NOTIFICATION FORM FOR
PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITIES

IV. THE FOLLOWING LOCAL AND/OR STATE PERMITS ARE REQUIRED FOR OPERATION OF THE PHHWCF:

	OBTAINED			OBTAINED	
_____	YES ☐	NO ☐	_____	YES ☐	NO ☐
_____	YES ☐	NO ☐	_____	YES ☐	NO ☐
_____	YES ☐	NO ☐	_____	YES ☐	NO ☐

V. PROPERTY OWNERSHIP

A. Is the property on which the PHHWCF is located owned by the operator? Yes ☐ No ☐
If not, a written agreement between the operator and the property owner is required.

Property Owner's Name _____ Phone (_____)_____-_____

Contact Person _____

VI. ACCEPTANCE AND MANAGEMENT OF SPECIFIC WASTE TYPES

A. Will your facility accept wastes from conditionally exempt small quantity generators? Yes ☐ No ☐

B. Will your facility accept waste from any of the following programs, facilities, or transporters?

1. Curbside household hazardous waste collection program? Yes ☐ No ☐
2. Door-to door household hazardous waste collection program? Yes ☐ No ☐
3. Temporary household hazardous waste collection facility? Yes ☐ No ☐
4. Recycle-only household hazardous waste facility? Yes ☐ No ☐
5. Mobile household hazardous waste collection facility? Yes ☐ No ☐
6. Registered HW transporter carrying hazardous waste generated by a CESQG? Yes ☐ No ☐
7. Registered HW transporter carrying waste from a loadcheck program? Yes ☐ No ☐
8. Registered HW transporter carrying abandoned waste under public agency oversight? Yes ☐ No ☐
9. Other? Please explain _____

C. Does your facility categorically exclude any type of waste (e.g. explosives, infectious waste, compressed gas cylinders, etc.)? If so, please list those categories:

_____

_____

D. Will your facility consolidate any of the following wastes?

☐ used oil	☐ antifreeze	☐ solvents
☐ water-based paint	☐ miscellaneous wastes	☐ roofing tar
☐ oil-based paint	contaminated with solvents	☐ caulking/patching compounds
☐ photographic solutions	☐ gasoline	☐ adhesives

ID NUMBER_____

PERMIT BY RULE NOTIFICATION FORM FOR

PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITIES

VII. WASTE VOLUME

A. Please indicate the approximate total volume of hazardous waste brought to the facility in an average month.

_____Gallons or _____ Pounds

B. What is the capacity of the container storage area (i.e., drums, roll off bins, etc.) at the facility?

1. Individual storage area total capacity _____gallons/pounds
2. Individual storage area total capacity _____gallons/pounds
3. Individual storage area total capacity _____gallons/pounds
4. Individual storage area total capacity _____gallons/pounds
5. Individual storage area total capacity _____gallons/pounds
6. Individual storage area total capacity _____gallons/pounds

What is the total number of tank storage areas? _____

1. Individual tank volume _____ gallons. Waste stored _____
2. Individual tank volume _____ gallons. Waste stored _____
3. Individual tank volume _____ gallons. Waste stored _____
4. Individual tank volume _____ gallons. Waste stored _____

VIII. DAYS/HOURS OF OPERATION

On the average, how many days each month is the facility open to accept wastes?

_____ Days per month

What are the hours of operation on the days that the facility accepts wastes from households and CESQGs?

Example: Facility accepts CESQG wastes from 0900-1300 on the first Friday of each month and accepts household wastes Monday through Thursday of each week from 1000-1600

_____

_____

_____

PERMIT BY RULE NOTIFICATION FORM FOR
PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITIES

IX. **FACILITY DESCRIPTION:** Please describe the facility in enough detail that a person not familiar with the facility will be able to understand the facility design. Include a description of the lighting, fencing, secondary containment for storage areas, etc.

ID NUMBER_____

PERMIT BY RULE NOTIFICATION FORM FOR
PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITIES

X. REQUIRED ATTACHMENTS

A. ☐ A plot plan of the facility

B. ☐ Certification of financial responsibility for closure
(Due October 1, 1996 for facilities in operation prior to October 1, 1996, and with this notification (DTSC Form 1094B) for those facilities commencing operation after that date.)

C. ☐ Copy of a written agreement between the property owner and facility operator allowing operation of the PHHWCF (if applicable)

XI. OPERATOR CERTIFICATION (PUBLIC AGENCY)

"I certify that the unit or units described in these documents meet the eligibility and operating requirements of state statutes and regulations for the permit by rule tier. I understand that I am required to provide financial assurance for the costs of closing this facility. I also understand that I am required to file a Phase I Environmental Assessment at a later date as part of the permit by rule application."

"I certify under penalty of perjury under the laws of the State of California that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

_____ _____
Name (Print or Type) Title

_____ _____
Signature (Principal executive officer or ranking elected official), CCR, Title 22, Section 66270.11. Date Signed