

## UPDATED INFORMATIVE DIGEST

### Summary of existing laws and regulations relating to PHHWCFs:

**Federal:** Federal regulations exempt HHW and CESQG waste from regulation as hazardous waste. No federal regulations concerning PHHWCFs presently exist.

**State:** The Hazardous Waste Control Act (Health and Safety Code, Division 20, Chapter 6.5, Section 25100 et seq.) provides the Department broad authority to regulate generators and transporters of hazardous waste and facilities that treat, store, recycle, or dispose of hazardous waste. HSC section 25250 directs the Department to adopt and revise when appropriate, standards and regulations for the handling, processing, use, storage, and disposal of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment.

HSC section 25218.3 allows the Department to adopt and revise regulations for household hazardous waste collection facilities.

Title 22, Division 4.5, (commencing with 66260.1), of the California Code of Regulations (CCR) contains regulations adopted by the Department to carry out the Hazardous Waste Control Act.

Existing State requirements are being amended in this rulemaking. The proposed regulations are consistent with previous standardized regulations for PHHWCFs but the administration of the permit process by the Department will be modified to expedite the permitting process. With the approval of these amendments, the turn around time for authorizing these facilities is expected to be less than 45 days compared to the current 180 days. Emphasis will change from up-front permit application review to facility inspection. Facility requirements are not compromised in this rulemaking but the administration of the program is streamlined to expedite the permitting process, prevent unnecessary interruption in this important service, and allow more efficient use of the Department's resources.

Temporary household hazardous waste collection facilities (THHWCFs) have been operating under the PBR authorization since October 1993. The operation of the THHWCFs under the PBR have resulted in no adverse effects to the public health and safety or the environment.

**Local:** Both existing and proposed regulations specify that a PHHWCF must be in compliance with all local regulations. The PHHWCF operator must certify that the facility will operate according to all local laws and regulations and comply with all local permit requirements.

## **SUMMARY OF CURRENT REGULATORY STATUS**

Currently PHHWCFs must operate according to standardized permit regulations specific to PHHWCFs. Extensive documentation and records must be submitted to the Department for detailed review prior to authorization.

## **EFFECTS OF PROPOSED REGULATIONS**

The proposed regulations will enable local agencies interested in operating PHHWCFs to commence operations within a short and predictable period or continue operation without a lapse in authorization, to obtain grant monies for the operation of these facilities, and in all cases, operate in accordance with standards designed to protect the public health and safety and promote safe and proper disposal of hazardous waste. The proposed regulations would only make minor changes in the operating requirements of PHHWCFs but significantly modify the Department's administration of the permitting process.

## **GENERAL**

These regulations are being adopted to respond to the existing administrative impediments to the permitting of PHHWCFs.

## **LOCAL MANDATE DETERMINATION (GOVERNMENT CODE SECTION 11346(A) (5))**

The Department has determined that adoption of these regulations creates no new local mandates.

## **FISCAL IMPACT ESTIMATE (GOVERNMENT CODE SECTION 11346 (A) (5))**

The Department has reviewed the proposed regulations and has determined that there will be no negative fiscal impacts. A detailed explanation of the impacts on the Department follows:

**Fiscal Impact:** Authorizing PHHWCFs under the PBR program would significantly reduce the Department staff workload for application review and approval. The workload standard for a completeness review of a PBR application is estimated to be 4 hours compared to the workload standard of 120 hours for review of each PHHWCF application for a standardized permit. Based on a standard allocation of 1776 hours per personnel year (PY), the review of 50 standardized permit applications would take approximately 3.4 PY. To review the same number of PBR notifications would require approximately 0.1 PY. The adoption of these regulations will therefore significantly reduce Department's workload. These regulations will not result in a corresponding cost savings for the Department. The number of standardized permit applications received to date greatly exceeds the number of applications anticipated when the 1993/94 BCP establishing four positions (4.0 PY) for this work was approved.

The 4.0 PY from the 1993-94 Tiered Permitting BCP, plus 2 additional staff redirected to the standardized permit program from other activities, are fully dedicated to the review and processing of 85 commercial facility closure and permit applications received to date. This figure does not include applications received from household hazardous waste facilities.

**Permitting:** These regulations will effectively decrease the permitting staff's workload, but will not result in an excess or surplus PY allocation since the number of standardized permit applications needing review (i.e., 85) exceeds the number anticipated (i.e., 30) when the 1993/94 BCP establishing four positions (4.0 PY) for standardized permit application review was approved. Workload reduction calculations for the PBR process verses the standardized permit process project a workload decrease of approximately 5800 hours for the year the permits are processed. The Department projects a workload decrease of approximately 116 hours for each PHHWCF application processed. Attachment #1 is included to show the cost and workload difference between authorization of PHHWCFs under existing regulation and proposed regulation.

**Statewide Compliance:** These regulations will emphasize enforcement as the means to ensure compliance. Because inspections of these facilities are already required, the Department does not foresee an impact on enforcement staff workload. No negative impacts on annual workplan commitments are anticipated.

**Public Relations:** This recommendation, if adopted, will have a beneficial public relations impact.

#### **IMPACT ON COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS**

The Department anticipates that these regulations will have no costs or savings to local agencies and school districts. The requirement to obtain a permit or other grant of authorization already exists for PHHWCFs.

#### **EFFECT ON HOUSING COSTS**

The Department has determined that the proposed regulations will have no effect on housing costs.

#### **IMPACT ON SMALL BUSINESS**

The Department has determined these regulations will have no impact on small business.