

ADVISORY ON THE MANAGEMENT OF HAZARDOUS WASTE BY GENERATORS, TRANSPORTERS, ELECTRONIC WASTE HANDLERS, AND TIERED PERMIT FACILITIES DURING THE CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC

This advisory is intended to provide guidance for hazardous waste generators, transporters, electronic waste handlers, and tiered permit facilities (Permit by Rule, Conditional Authorization, Conditional Exemption). Guidance to permitted hazardous waste treatment, storage, and disposal facilities can be found here: <https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/04/DTSC-Permitting-COVID-19-Guidance-4-7-20-a.pdf>. This advisory does not replace or supersede relevant statutes and regulations. Please note that the issuance of this advisory does not preclude the Department of Toxic Substances Control (DTSC) from taking any action authorized under applicable law. This guidance in no way delegates or waives DTSC's enforcement authority.

This advisory does not apply to any criminal violations or cleanup activities carried out under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or the Hazardous Substances Account Act or corrective action under the Hazardous Waste Control Law.

DTSC is continuing its efforts to protect public health, safety, and the environment consistent with all federal, state, and local public health directives and guidelines related to the COVID-19 pandemic. This situation remains fluid and DTSC will continue to advise stakeholders as the circumstances or situations change.

The Hazardous Waste Control Law and its implementing regulations, hazardous waste permits and authorizations remain in effect during the COVID-19 pandemic. Stay-at-home directives issued by the Governor and local public health officials can make compliance with hazardous waste requirements more challenging. DTSC recognizes the hardships these restrictions may create for those that generate, handle, transport, treat, store, and dispose of hazardous waste.

Hazardous waste generators, transporters, electronic waste handlers, and tiered permit facilities must comply with all statutory and regulatory requirements. Entities that manage hazardous waste must comply with notification and reporting requirements required by the law, including but not limited to releases of hazardous waste and contingency plan activation.

In the event that compliance with hazardous waste statutory and regulatory requirements is not possible, the regulated entity should:

1. Document the (1) specific statutory or regulatory requirement that cannot be timely met, (2) the circumstances leading to the delay in complying or the inability to comply with the requisite requirement, and (3) the actions taken to come back into compliance. It is necessary to document these efforts to assist governing agencies in determining that entities that manage hazardous waste took all

appropriate actions given the circumstances. DTSC may use this information to inform whether to use its enforcement discretion within its authority when deciding whether to pursue potential violations caused by pandemic-related disruptions. See for example, California Code of Regulations, title 22, section 66272.63(a) and [CalEPA Recommended Guidance on Incentives for Voluntary Disclosure](#).

DTSC also recommends the following:

1. If you are a generator and are currently accumulating hazardous waste, if possible, ship the hazardous waste to a permitted hazardous waste treatment, storage, and/or disposal facility.
2. Secure facilities that generate, transport, treat, store, or dispose of hazardous waste. For example, ensure that all containers and tanks holding hazardous wastes are in good condition, closed, appropriately labeled, stored and secured.
3. Transporters that are not able to deliver the hazardous waste to a permitted facility should return the waste to the respective generator.
4. If you are a generator and need an extension to your accumulation time period, follow the instructions below.

EXTENSIONS TO ACCUMULATION TIME PERIOD

If you are a generator of Resource Conservation and Recovery Act (RCRA) hazardous wastes, and need an extension to your applicable accumulation time specified in California Code of Regulations, title 22, section 66262.34(a) or (d), you may [apply for a 30-day storage extension](#).

If you need an extension to your accumulation time for non-RCRA hazardous wastes, those requests are granted by the local Certified Unified Program Agency (CUPA) if certain conditions are met. Your local CUPA can be found using this link: <http://cersapps.calepa.ca.gov/Public/Directory/>. Those conditions are described in California Code of Regulations, title 22, 66262.35. Until further notice, the CUPAs can accept electronic submissions for extension requests. However, a hard copy of the extension request must also be sent to the CUPA via certified mail as required by regulation.

ACTIVITIES RELATED TO EMERGENCY RESPONSE

DTSC's Emergency Response Unit continues to be ready to respond to requests for DTSC assistance for emergency removals from illegal/ clandestine drug laboratories and other Hazardous Materials (HazMat) emergencies. As further explained on DTSC's website at <https://dtsc.ca.gov/erp/emergency-response-program/>, requests for assistance are handled by DTSC's Emergency Response Duty Officers that are on duty

24 hours a day, seven days a week, including weekends and holidays. To contact the DTSC Emergency Response Duty Officer:

- Monday through Friday, from 8 am to 5 pm, please contact DTSC at (800) 260-3972 or (916) 255-6504.
- After hours, weekends, or on holidays, please call the California Governor's Office of Emergency Services (Cal OES) Warning Control Center at (800) 852-7550 and ask to speak to the DTSC Emergency Response Duty Officer.

ADDITIONAL SOURCES OF INFORMATION

Generators, transporters, electronic waste handlers, tiered permit facilities and other interested parties are encouraged to check the DTSC website at <https://dtsc.ca.gov/> periodically for updates on this evolving situation. In addition, general inquiries about hazardous waste management may be directed to DTSC's Regulatory Assistance Office by phone at 800-728-6942 or by email at RAO@dtsc.ca.gov.