

**ADVISORY ON THE MANAGEMENT OF HAZARDOUS WASTE BY PERMITTED
TREATMENT, STORAGE AND DISPOSAL FACILITIES DURING THE
CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC**

This advisory is intended to provide guidance for Department of Toxic Substances Control (DTSC) permitted hazardous waste treatment, storage, and disposal facilities (Permitted TSDFs). Applicable TSDFs include those that are operating hazardous waste management units and or conducting post-closure care under hazardous waste facility permits issued by DTSC. Guidance to generators, transporters, electronic waste handlers, and tiered permit facilities can be found here: https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/04/DTSC-EERD-COVID-19-Guidance_4-06-20_a.pdf. This advisory does not replace or supersede relevant statutes and regulations. Please note that the issuance of this advisory does not preclude DTSC from taking any action authorized under applicable law. This advisory 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 facilities permits, and authorizations remain in effect during the COVID-19 pandemic. Permitted TSDFs must comply with notification and reporting requirements required by law, including but not limited to releases of hazardous waste and contingency plan activation. Permitted TSDFs must also report noncompliance with permit requirements.

Stay-at-home directives issued by the Governor and local public health officials can make compliance with hazardous waste requirements challenging. DTSC recognizes the hardships these restrictions may create for those that generate, handle, transport, treat, store, and dispose of hazardous waste.

In the event that compliance with hazardous waste statutes, regulations and permit requirements is not possible, Permitted TSDFs should:

1. Take all reasonable steps to minimize or correct releases to the environment, and carry out all measures as are reasonable to prevent and correct adverse impacts on human health or the environment as required by California Code of

Regulations (CCR), title 22, section 66270.30(d). Also, see CCR, title 22, section 66264.56(e).

2. Report all instances of noncompliance to DTSC and take measures to return to compliance as soon as possible consistent with applicable “duty to comply” provisions as outlined in CCR, title 22, section 66270.30. Below is a summary of some of the many notification and reporting requirements. Consult the Hazardous Waste Control Law and its implementing regulations for a complete list of notification and reporting requirements.
 - a. Anticipated noncompliance should be reported to DTSC in advance. (CCR, title 22, section 66270.30(l)(2)). DTSC requests reporting to be done via email unless the Hazardous Waste Control Law and its implementing regulations require otherwise (e.g., oral notification and/or certified mail).
 - b. Noncompliance which may endanger health or the environment must be reported to the assigned DTSC Project Manager orally within 24 hours from the time the permittee becomes aware of the circumstances. The oral report must be followed by a written notice to DTSC. (See CCR, title 22, section 66270.30(l)(6); also, see CCR, title 22, section 66264.196(e)(1)).
 - c. Releases from tank systems or secondary containment to the environment must be reported to DTSC within 24 hours of detection pursuant to CCR, title 22, section 66264.196(b)(5).
 - d. Noncompliance with compliance schedules must be reported no later than 14 days following each schedule date. (CCR, title 22, section 66270.30(l)(5)).
 - e. All other forms of noncompliance should be reported to DTSC as soon as possible. (CCR, title 22, section 66270.30(l)(10)).
3. Document (1) the specific statutory, regulatory, or permit requirement that cannot be timely met, (2) the circumstances leading to 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, CCR, title 22, section 66272.63(a) and [Cal/EPA Recommended Guidance on Incentives for Voluntary Disclosure](#).
4. In an emergency scenario, Permitted TSDFs should follow the procedures in the facility Contingency Plan. If the Contingency Plan is implemented, the owner or operator must note in the operating record the time, date, and details of the

incident and submit a written report on the incident to DTSC within 15 days. (CCR, title 22, section 66264.56(j)).

When contacting DTSC's Permitting Division during the COVID-19 pandemic, Permitted TSDFs should send written communications by email to the assigned DTSC Permitting Project Manager and PermittingReporting@dtsc.ca.gov. The name and contact details for your DTSC Permitting Project Manager can be obtained from [EnviroStor](#). Please note that if statutory and regulatory requirements require notification or reporting by specific means (e.g. orally or by certified mail), Permitted TSDFs should also comply with these requirements.

DTSC also recommends the following:

1. Permitted TSDFs should prioritize core functions that protect human health and the environment. For example, ensure that the facility remains secure, and that all containers holding hazardous waste are closed, appropriately labelled and stored within secondary containment.
2. Permitted TSDFs that are storing hazardous waste should consider shipping it to an appropriately permitted offsite facility for treatment or disposal to reduce compliance obligations and minimize the potential for releases.

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. [Link to CUPA Directory](#). Those conditions are described in California Code of Regulations, title 22, section 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.

EMERGENCY PERMITS

DTSC continues to issue temporary emergency permits for hazardous waste management pursuant to CCR, title 22, section 66270.61 during the COVID-19 pandemic. Information on requesting a temporary emergency permit can be found on DTSC's [Emergency Permit Webpage](#).

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 emergencies. As further explained on [DTSC Emergency Response Program Webpage](#), 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 Warning Control Center at (800) 852-7550 and ask to speak to the DTSC Emergency Response Duty Officer.

ADDITIONAL SOURCES OF INFORMATION

Permitted TSDFs and other interested parties are encouraged to check [DTSC Website](#) periodically for updates on this evolving situation. In addition, Permitted TSDFs should contact their assigned DTSC Project Manager first, but can also direct general inquiries about hazardous waste management to DTSC's Regulatory Assistance Office by phone at 800-728-6942 or by email at RAO@dtsc.ca.gov.