

INITIAL STATEMENT OF REASONS

GENERATOR IMPROVEMENTS RULE

Department of Toxic Substances Control Reference Number: R-2023-08R

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INTRODUCTION AND BACKGROUND

Introduction

The Department of Toxic Substances Control (DTSC) proposes to amend several sections in California Code of Regulations, title 22, division 4.5.¹ The revisions parallel federal regulation changes stemming from the Hazardous Waste Generator Improvements Rule (GIR), adopted on November 28, 2016, by the United States Environmental Protection Agency (U.S. EPA) and incorporated into 40 Code of Federal Regulations (CFR), parts 260, 261, 262, 263, 264, and 265 (81 Fed. Reg. 85732 (Nov. 28, 2016)). Specifically, DTSC seeks to make the following changes:

- adopt more stringent federal generator requirements promulgated by U.S. EPA while maintaining certain existing state requirements;
- adopt some federal generator requirements promulgated by U.S. EPA that are equivalent to existing state requirements;
- reorganize the generator requirements in California Code of Regulations to mirror the new organization of CFR to maintain a parallel regulatory structure between California and U.S. EPA regulations;

¹ For the purposes of this initial statement of reasons, all regulatory references are to California Code of Regulations, title 22, division 4.5, unless otherwise specified.

- add new definitions and modify existing ones; and
- where practical, restructure the wording in state requirements to conform with federal language while retaining existing state requirements that are more stringent.

Background

The GIR promulgated more than 60 revisions and new provisions to the federal hazardous waste generator program under the Resources Conservation and Recovery Act (RCRA). The primary objectives of the GIR were to:

- reorganize the hazardous waste generator regulations;
- provide a better understanding of how the regulatory program works;
- address gaps in the existing regulations to strengthen environmental protection;
- provide greater flexibility to generators to manage their waste in a safe and cost-effective manner; and
- make technical corrections and conforming changes to address inadvertent errors and remove obsolete references.

California, as an authorized state, and DTSC, as the implementing agency, was authorized by U.S. EPA to administer the federal hazardous waste program on behalf of U.S. EPA on August 1, 1992. The GIR regulations do not take effect in California until DTSC adopts them, or parts thereof, through the rulemaking process or through statutory amendments.

DTSC is required to adopt regulatory requirements in the GIR that are more stringent than existing regulations to maintain authorization to administer the state hazardous waste program in lieu of the federal hazardous waste program. These elements are identified as mandatory in this Initial Statement of Reasons (ISOR). California's hazardous waste generator program is more stringent and broader in scope than the federal program in many respects, so some revisions identified in the GIR are not proposed to be adopted in these regulations (e.g., some new federal requirements are equivalent to or less stringent than California requirements and therefore are not mandatory for DTSC to adopt).

Mandatory Provisions

DTSC, in consultation with U.S. EPA, has identified the following seven provisions in the GIR as more stringent than existing state requirements and will adopt these provisions in this rulemaking:

- 1) New renotification requirements [found in 40 CFR section 262.18(d)]
- 2) New labeling and marking requirements [found in 40 CFR sections 262.15(a)(5), 262.16(b)(6), 262.17(a)(4) and (a)(5)]

- 3) New pre-transportation marking requirements [found in 40 CFR section 262.32(b)]
- 4) New large quantity generator closure requirements [found in 40 CFR section 262.17(a)(8)]
- 5) Additional requirements for incompatible wastes in satellite accumulation areas [found in 40 CFR section 262.15(a)(3)]
- 6) New requirements added to the preparedness, prevention, and emergency procedures for small quantity generators and large quantity generators including:
 - a) Documenting that arrangements with local authorities were made or attempted to be made by the generator [found in 40 CFR section 262.16(b)(8)(iv) and 262.256] and
 - b) A quick reference guide that summarizes a large quantity generator's contingency plan [found in 40 CFR section 262.262(b)]
- 7) Additional requirements for containers holding ignitable and reactive wastes for large quantity generators [found in 40 CFR section 262.17(a)(1)(vi)(B)]

Reorganization of the Generator Regulations

A major component of the GIR is the reorganization of the federal hazardous waste generator regulations. The primary purpose of the reorganization was “to make the regulations more user friendly” and, in turn, to improve compliance. The proposed regulations mirror the federal reorganization whenever possible.

The federal hazardous waste generator regulations were previously found in 40 CFR section 261.5 and parts 262 and 265. The GIR organizational changes included the following:

- Relocated the requirements for conditionally exempt small quantity generators (CESQGs) from 40 CFR section 261.5 to new section 262.14 for very small quantity generators (VSQGs). The term CESQG was recently changed federally and in California statute to VSQG.
- Separated the existing regulations in section 262.34 into three new sections as follows:
 - Section 262.15: Conditions for Exemption for Satellite Accumulation Areas
 - Section 262.16: Conditions for Exemption for Small Quantity Generators
 - Section 262.17: Conditions for Exemption for Large Quantity Generators
- In certain instances, directly incorporated text from part 265 into the new sections as opposed to cross-referencing those requirements
- Duplicated and moved preparedness, prevention, and emergency procedures from subpart C and D of part 265 into new subpart M of part 262
- Moved section 262.12, U.S. EPA ID number requirements, into new section 262.18

The proposed regulations parallel the federal regulation organizational changes as stated above, with a few exceptions. DTSC proposes to reorganize the California Code of Regulations, title 22, division 4.5 as follows:

- Separate and relocate existing regulations in section 66262.34 into three new sections:
 - Section 66262.15: Conditions for Exemption for Satellite Accumulation Areas
 - Section 66262.16: Conditions for Exemption for Small Quantity Generators
 - Section 66262.17: Conditions for Exemption for Large Quantity Generators
- In certain instances, directly incorporate language from chapter 15, or from the Code of Federal Regulations, into the new regulation sections instead of cross-referencing those portions of chapter 15
- Duplicate and move preparedness, prevention, and emergency procedures from articles 3 and 4 of chapter 15 into new article 9 of chapter 12
- Move section 66262.12, ID number requirements, into new section 66262.18

The conditions for exemption for a very small quantity generator in 40 CFR section 261.5 (moved to 262.14 under the GIR) are not proposed to be integrated into California's regulations. The GIR replaced the previously used term "conditionally exempt small quantity generator" with "very small quantity generator." Because California's hazardous waste regulations never included conditions for exemption for a conditionally exempt small quantity generator, it will likewise not include those for very small quantity generators.

In California's regulations, hazardous waste handling requirements that apply to owners and operators of hazardous waste facilities are primarily located in chapters 14 and 15 while those affecting generators are in chapter 12. Similar to the federal generator requirements, some of the regulations applicable to owners and operators also applied to generators. Many of these regulations are cross-referenced by chapter 15 article or section number into chapter 12, rather than duplicated. To continue alignment with federal reorganization, DTSC proposes to incorporate chapter 15 requirements that apply to generators directly into chapter 12 instead of cross-referencing the chapter 15 article or section number. Due to this change in organization, when DTSC proposes to add a section or subsection in this rulemaking by duplicating an existing generator requirement from chapter 15 that applies to owners and operators of interim status facilities, the words "owner and operator" are changed to "large quantity generator" or "small quantity generator," as applicable. This does not change the rights or responsibilities of either generators or owners or operators. Rather, this change ensures

that the generator regulations in chapter 12 only apply to generators and that DTSC does not, unintentionally, adopt a requirement that effects owners and operators.

RCRA vs. Non-RCRA Hazardous Waste

Under the hazardous waste management system, a generator of a waste is required to perform a hazardous waste determination. Unless otherwise excluded or exempted, a waste is a hazardous waste if: (1) it exhibits a characteristic of a hazardous waste, or (2) it is a listed hazardous waste. Generators of wastes identified as hazardous wastes are subject to hazardous waste generator requirements.

In California, waste that is identified as hazardous waste under the federal hazardous waste program is referred to as RCRA hazardous waste. Waste that is not identified as hazardous waste under the federal hazardous waste program but is identified as hazardous waste or otherwise must be managed as hazardous waste (e.g., used oil) under state requirements, is referred to as non-RCRA hazardous waste.

This rulemaking proposes to apply many, but not all, of the GIR changes to both RCRA and non-RCRA hazardous wastes in California. The purpose is to mitigate potential confusion for a generator that generates both types of hazardous wastes, who may face challenges interpreting which standards apply to RCRA and non-RCRA hazardous.

Nonsubstantive Changes

Note that the organization of the California Code of Regulations, title 22, differs from the federal regulation organization structure. The proposed regulations are organized using chapter, article, and section designations. The federal regulations are divided into parts, subparts, and sections, and use different subsection designations. Federal regulations use non-inclusive language (i.e., his and he) while the standard for state regulations is to use inclusive language (i.e., his or hers and he or she). These minor changes in terminology are not considered when adopting the regulations. California's title 22 regulations bear the numbers "66" before the section number of the analogous federal regulation. For example, the federal regulation 40 CFR section 264.143 has its California analogue in 22 California Code of Regulations section 66264.143 because both are titled and regard "financial assurance for closure" of hazardous waste treatment, storage, and disposal facilities.

DETAILED STATEMENT OF SPECIFIC PURPOSE AND RATIONALE

Amend Chapter 10

Amend Section 66260.10. Definitions.

The adoption of new federal definitions and amendments to existing definitions, with some modifications, is necessary for DTSC to relocate, reorganize, and restructure

California's hazardous waste regulations to maintain consistency with the federal regulations, including updating and removing obsolete references. These definition changes provide clarity to hazardous waste generators by making hazardous waste requirements easier to find and follow. Therefore, the benefit is that generators may comply more effectively with hazardous waste requirements, providing greater protection of human health and the environment.

“Acutely hazardous waste’ or ‘Acute hazardous waste.” The federal regulations added a new definition for “acute hazardous waste,” which was already defined in California Code of Regulations, title 22. In California's regulations, acute hazardous wastes are those listed in section 66261.31 with the hazard code “(H)” and those listed in section 66261.33(e). Instead of generally referencing article 4 of chapter 11, the proposed regulations revise the definition by specifically citing the sections where the acutely hazardous wastes are listed, in alignment with U.S. EPA. There is no change to which wastes are identified as acutely hazardous. DTSC is not proposing to change the cross-reference to a federal citation.

“Central Accumulation Area.” Historically, uncodified terms such as “90-day” or “180-day” accumulation areas have been used depending on the generator's category. These areas are proposed to be called central accumulation areas, consistent with the federal definition. The change only defines a name for a specific area, as the 90-day and 180-day requirements already exist in regulations (see existing section 66262.34 and proposed sections 66262.16 and 66262.17).

Defining a central accumulation area helps to clarify the difference in accumulation time and quantity limits when compared to those of a satellite accumulation area. U.S. EPA codified central accumulation area for “the sake of convenience to distinguish these types of accumulation areas from satellite accumulation areas ... which are subject to different regulations” (81 Fed. Reg. 85743 (Nov. 28, 2016)).

In the proposed regulation, the last sentence of the analogous federal definition regarding eligible academic entities is omitted because it is less stringent than California's hazardous waste program. The requirements for academic facilities were never adopted in California. Therefore, the federal GIR revisions to the requirements for academic facilities are not included in the proposed regulations.

“Existing tank system” or “existing tank component.” This definition is proposed to be amended to: (1) replace “conditionally exempt small quantity generator” with the term “very small quantity generator,” (2) replace the obsolete federal definition reference to conditionally exempt small quantity generator in “40 CFR section 261.5” with the analogous state definition citation reference “section 66260.10,” (3) replace the obsolete federal definition reference for small quantity generator in “40 CFR section 265.201” with the analogous state definition reference to “section 66260.10,” and (4) replace the phrase “100 to 1000 kg per month” generator with the defined generator term “small

quantity generator.” Because 40 CFR sections 261.5 and 265.201 have been repealed as a result of the GIR, references to those sections must be removed and replaced with new definition references. Additionally, this definition is proposed to be amended to replace the Code of Federal Regulations acronym “CFR” with the full spelling of the term to be consistent with other references in California’s hazardous waste regulations.

“Final Closure.” Align with the proposed reorganization of existing state requirements and replace the referenced “section 66262.34” with the new reference to “section 66262.15, 66262.16 or 66262.17.” Under the proposed reorganization, section 66262.34 is being repealed and the provisions of section 66262.34 are being relocated to the newly proposed sections 66262.15, 66262.16, and 66262.17. This is a change in the references due to the reorganization and is nonsubstantive in nature.

“Large Quantity Generator.” The definition of a large quantity generator has been understood but not officially defined in federal or state hazardous waste regulations. Existing section 66262.34 describes the characteristics of different generator categories and the requirements each must meet, although the term “Large Quantity Generator” is not specifically used. Large quantity generators generate more than 1,000 kilograms (kg) of hazardous waste in a calendar month (existing section 66262.34(a)).

There are new, more stringent accumulation standards in the GIR that apply to large quantity generators. Under the new federal definition, a generator is a large quantity generator if it produces any of the following amounts in a calendar month: (1) greater than or equal to 1,000 kg of non-acute hazardous waste; (2) greater than 1 kg of acute hazardous waste; or (3) greater than 100 kg of residues from the spilling of acute hazardous waste.

The proposed regulations adopt the federal definition of a large quantity generator to align with the federal definition in 40 CFR section 260.10, with some exceptions. The proposed state definition clarifies the acute hazardous waste accumulation requirement language in existing section 66262.34(d)(3) as the language in the section does not state the quantity of acute hazardous waste a generator must generate in a calendar month to determine their generator category. The proposed definition replaces the federal references to “§ 261.31 or § 261.33(e)” with the corresponding state references “section 66261.31 or section 66261.33(e)” that contain equivalent state lists of acute hazardous wastes.

The federal definition for large quantity generator includes a generator of more than 100 kg of residues from the spilling of acute hazardous waste. Under existing state requirements, residues from the spilling of acute hazardous waste are not distinguished from acute hazardous waste and are counted the same way as acute hazardous wastes. The existing state regulations are more stringent than the federal regulations in this regard. Therefore, the proposed regulations do not include it in the proposed definition of a large quantity generator.

Lastly, the proposed regulations add the requirement that a large quantity generator generates greater than 1 kg of extremely hazardous waste in a calendar month. The existing California regulations in section 66262.34 treat extremely hazardous waste in the same manner as acute hazardous waste. Therefore, the proposed definition includes the extremely hazardous waste requirement. The proposed definition clarifies the extremely hazardous waste accumulation requirement language in existing section 66262.34(d)(3) by stating specifically the quantity of extremely hazardous waste a generator must generate in a calendar month to determine the generator category. California hazardous waste requirements are more stringent than federal requirements because the federal requirements do not identify extremely hazardous waste. This requirement is retained and included in the proposed definition of a large quantity generator.

“New tank system” or “new tank component.” This definition is proposed to be amended to: (1) replace “conditionally exempt small quantity generator” with the term “very small quantity generator,” (2) replace the obsolete federal definition reference to conditionally exempt small quantity generator in “40 CFR section 261.5” with the analogous state definition citation reference “section 66260.10,” (3) replace the obsolete federal definition reference for small quantity generator in “40 CFR section 265.201” with the analogous state definition reference to “section 66260.10,” and (4) replace the phrase “100 to 1000 kg per month” generator with the defined generator term “small quantity generator.” Because 40 CFR sections 261.5 and 265.201 have been repealed as a result of the GIR, references to those sections must be removed and replaced with new definition references. Additionally, this definition is proposed to be amended to replace the Code of Federal Regulations acronym “CFR” with the full spelling of the term to be consistent with other references in California’s hazardous waste regulations.

“Non-acute hazardous waste.” The GIR adds a new definition for “non-acute hazardous waste” so that generators can appropriately apply the counting requirements to identify their monthly generator category. The proposed state regulations add the definition to clarify that non-acute hazardous waste is hazardous waste that is not acutely hazardous waste or extremely hazardous waste.

The definition of non-acute hazardous waste does not currently exist in California’s regulations, but it can be deduced from the regulations. Upon examination of existing section 66262.34(d)(3), there are three types of hazardous waste: acutely hazardous waste, extremely hazardous waste, and everything else. This proposal defines “non-acute hazardous waste” to include everything other than acutely hazardous waste and extremely hazardous waste. Adding this definition is nonsubstantive in nature.

The proposed regulations clarify that extremely hazardous waste is not identified as non-acute hazardous waste. Non-acute hazardous waste remains a distinct category of hazardous waste for purposes of identifying a generator as a large or small quantity generator.

“Small quantity commercial source.” This definition is proposed to be amended to replace the term “conditionally exempt small quantity generator” with the new federal term “very small quantity generator” and make nonsubstantive conforming changes.

“Small quantity generator.” The GIR amended the definition for small quantity generator to ensure that only generators that generate greater than 100 kilograms but less than 1,000 kg of non-acute hazardous waste and less than or equal to 1 kg of acute hazardous waste in a calendar month are subject to less stringent standards. The new federal definition now specifies the type of waste being generated (acute or non-acute hazardous waste).

In California, small quantity generators generate less than 1,000 kg of hazardous waste (existing section 66262.34(d)) in a calendar month. This requirement is more stringent than the federal program. Because California does not recognize the less stringent standards that apply to very small quantity generators (previously referred to as conditionally exempt small quantity generators), those generators that generate less than 100 kg of non-acute hazardous waste must comply with standards applicable to small quantity generators in California.

The proposed regulations adopt the new, more stringent amendments to the federal definition for small quantity generator with a few exceptions. The proposed state definition modifies existing requirements to clarify that “small quantity generator” means a generator who generates less than 1,000 kg of non-acute hazardous waste in a calendar month.

The second requirement in the federal definition states that a small quantity generator generates less than or equal to 1 kilogram of acute hazardous waste listed in section 261.31 or 261.33(e) in a calendar month. The state requirements lack state references for the equivalent lists. Therefore, the proposed definition includes this requirement to maintain consistency with the federal definition. Additionally, the proposed definition replaces the federal references to “§261.31 or §261.33(e)” with the analogous state references in “section 66261.31 or section 66261.33(e)” that contains equivalent state lists of acute hazardous wastes.

The federal definition for small quantity generator includes a generator of less than or equal to 100 kg of residues from the spilling of acute hazardous waste. Under existing state requirements, residues from the spilling of acute hazardous waste are not distinguished from acute hazardous waste and are counted the same way acute hazardous wastes are counted. If a generator generates less than or equal to 1 kg of residues from spilling acute hazardous waste, acute hazardous waste, or any combination of the two, the generator is a small quantity generator under existing California requirements. The existing state regulations are more stringent than the federal regulations in this regard. Therefore, the proposed regulations do not include a

generator of less than or equal to 100 kg of residues from the spilling of acute hazardous waste in the proposed definition of a small quantity generator.

The proposed definition clarifies the extremely hazardous waste accumulation requirement language in existing section 66262.34(d)(3) by stating specifically the quantity of extremely hazardous waste a generator must generate in a calendar month to determine the generator category. California hazardous waste requirements are more stringent than federal requirements because the federal requirements do not identify extremely hazardous waste. This requirement is retained and included in the proposed definition of a small quantity generator.

“Very small quantity generator.” The GIR changed the generator category previously referred to as “conditionally exempt small quantity generator” to “very small quantity generator.” Additionally, the requirements applicable to these generators were relocated from 40 CFR section 261.5 to the new 40 CFR section 262.14. This term defines one of the three generator categories in the federal program, but this generator category is not recognized in California, nor does California regulate this category of generators differently than small quantity generators. However, the proposed regulations will adopt the federal definition for very small quantity generator because there are provisions in state laws and regulations for generators that generate very small quantity generator quantities of hazardous waste and household hazardous waste facilities that receive the waste. However, the proposed regulations will not include the conditions for exemption for very small quantity generators in new 40 CFR section 262.14, consistent with California’s existing requirements applicable to conditionally exempt small quantity generators.

U.S. EPA’s reasoning for this change was to provide clarity with existing regulations. Historically, the term conditionally exempt small quantity generator had caused some confusion among the regulated community and led some generators to believe that they are exempt from all generator requirements. That is not the case, however, and U.S. EPA formally changed the term to help ensure that generators are aware of the requirements that apply to them.

The proposed definition and requirements are derived from the existing statutory definition of Conditionally Exempt Small Quantity Generator in Health and Safety Code section 25218.1, that references 40 CFR section 261.5, with some exceptions.

In the first requirement, the federal definition clearly distinguishes the generator is someone who generates up to 100 kg of hazardous waste of non-acute hazardous waste. The state requirements lack this federal distinction. Therefore, the proposed regulations include it.

In the second requirement, the proposed definition will replace the federal references to “§ 261.31 or § 261.33(e)” with the corresponding state references “section 66261.31 or section 66261.33(e)” that contain equivalent state lists of acute hazardous wastes.

The federal definition for very small quantity generator states that a generator of less than or equal to 100 kg of residues from the spilling of acute hazardous waste is a very small quantity generator. Under existing state requirements, residues from the spilling of acute hazardous waste are counted the same way as acute hazardous wastes. The existing state regulations are more stringent than the federal regulations in this regard. Therefore, the proposed regulations do not include it in the proposed definition of very small quantity generator.

Lastly, the proposed regulations add the requirement that a very small quantity generator is someone who generates less than or equal to 1 kg of extremely hazardous waste in a calendar month. A generator of this quantity of extremely hazardous waste and a household hazardous waste facility that receives the waste from the generator have existing statutory provisions for managing the waste as household hazardous waste. This requirement is included in the proposed definition of a very small quantity generator to clarify that there are California household hazardous waste provisions for managing extremely hazardous waste.

Amend Section 66260.23(b). Factors for Petitions to Include Other Wastes Under Chapter 23.

Replace the term “conditionally exempt small quantity generator” with the new term “very small quantity generator” to align with the GIR. There is no regulatory effect of the terminology change.

Amend Article 1 of Chapter 12

Amend Section 66262.10. Purpose, Scope, and Applicability.

Section 66262.10(b). Replace the referenced section 66262.12 with new reference section 66262.18. Section 66262.12 is being relocated to section 66262.18. Therefore, it is repealed by the proposed regulations. In addition, replace obsolete reference to section 66262.34 with reference to new sections 66262.15, 66262.16, or 66262.17. Section 66262.34 is being relocated to sections 66262.15, 66262.16, and 66262.17. Therefore, it is repealed and relocated by the proposed regulations.

Section 66262.10(d). Replace the referenced section 66262.12 with new reference section 66262.18. Section 66262.12 is being relocated to section 66262.18. Therefore, it is repealed by the proposed regulations.

Section 66262.10(g). Replace the obsolete reference to “section 66262.34” with reference to new sections 66262.15, 66262.16, or 66262.17. Section 66262.34 is being

repealed and the contents are being relocated to sections 66262.15, 66262.16, and 66262.17. Therefore, it is repealed and relocated by the proposed regulations.

Repeal Section 66262.12. Identification Numbers for the Generator.

This section is being repealed and all of the requirements are being relocated to proposed section 66262.18. The relocation of state regulations to other sections is necessary to maintain consistency with the organization adopted by U.S. EPA in the corresponding federal regulations in CFR. U.S. EPA relocated federal hazardous waste generator regulation into discrete sections grouping them by subject matter (i.e. satellite accumulation areas, small quantity generator, large quantity generator, or identification number). The benefit is that these relocations make hazardous waste requirements easier to find and follow. Therefore, generators may comply more effectively with hazardous waste requirements. The table below shows the movement of these requirements to the new proposed subsections.

Existing Section to be Repealed with Contents Moved	Proposed Section to be Added with Relocated Text from 66262.12
66262.12(a)	66262.18(a)
66262.12(b)	66262.18(b)
66262.12(c)	66262.18(c)
66262.12(d)	66262.18(e)
66262.12(e)	66262.18(f)

Add Section 66262.13. Generator Category Determination.

This is a new section being added under the proposed rulemaking to align with the federal reorganization. The hazardous waste counting requirements for generators in section 66262.34 are being relocated to this new proposed 66262.13. The GIR relocated federal hazardous waste counting requirements from 40 CFR section 261.5 to new 40 CFR section 262.13. Additionally, the GIR clarified how a generator must count acute and non-acute hazardous waste to determine its generator category. These requirements are found in 40 CFR sections 262.13(a) and (b).

The existing California regulations in section 66262.34 already require a generator to determine the hazardous waste standards applicable to them by assessing the amount of hazardous waste, acute hazardous waste, and extremely hazardous waste generated in a calendar month. In the proposed section 66262.13, the steps to determine which standards are applicable to a generator are organized so they are more easily understood.

The proposed regulations restructure and reword the requirements to align with the corresponding federal language.

The opening paragraph in 40 CFR section 262.13 is duplicated here. The existing standards in sections 66262.34(a) and (d) are used to determine a generator's category. The term "very small quantity generator" is omitted because DTSC does not recognize other generators besides small quantity and large quantity generators, except for the statutory provision in Health and Safety Code section 25218.3 that allows very small quantity generators to take their waste to a household hazardous waste collection facility for disposal.

Section 66262.13(a). Duplicate the counting requirement for generators of acute or non-acute hazardous waste in 40 CFR section 262.13(a). "Extremely hazardous waste" is added in this proposed section to maintain consistency with existing California regulatory standards for this waste type. This revision is necessary to ensure the generator can clearly determine whether they are subject to standards associated with a large quantity generator or a small quantity generator.

Section 66262.13(a)(1). Duplicate the hazardous waste counting requirement in 40 CFR section 262.13(a)(1). This proposed regulation clarifies the existing hazardous waste counting requirement already required for a generator to make a quantity determination, which is necessary to ensure the generator can appropriately determine which generator category standards they must comply with.

Section 66262.13(a)(2). Duplicate the hazardous waste counting requirement in 40 CFR section 262.13(a)(2). This change is necessary to ensure the generator does not overcount hazardous waste generated and subject themselves to potentially more stringent generator standards.

Section 66262.13(a)(3). Duplicate the generator category determination requirement in 40 CFR section 262.13(a)(3). This requirement references existing standards required for a generator to determine the hazardous waste standards that apply to them.

Section 66262.13(b). Duplicate the counting requirement for generators of both acute and non-acute hazardous waste in 40 CFR section 262.13(b). The reference to "extremely hazardous waste" added in this proposed regulation to maintain consistency with existing California standards.

Section 66262.13(b)(1). Duplicate the hazardous waste counting requirement in 40 CFR section 262.13(b)(1). The reference to "extremely hazardous waste" is added in this proposed section to maintain consistency with existing standards. This proposed regulation is necessary to clarify the existing hazardous waste counting requirement already required for a generator to make a quantity determination.

Section 66262.13(b)(2). Duplicate the hazardous waste counting requirement in 40 CFR section 262.13(b)(2). This change is necessary to ensure the generator does not

overcount hazardous waste generated and subject themselves to potentially more stringent generator standards.

Section 66262.13(b)(3). Duplicate the generator category determination requirement in 40 CFR section 262.13(b)(3). The reference to “extremely hazardous waste” is added in this proposed section to maintain consistency with existing standards. This requirement references existing standards required for a generator to determine the hazardous waste standards that apply to them.

Section 66262.13(b)(4). Duplicate the generator category determination requirement for generators of both acute and non-acute hazardous waste in 40 CFR section 262.13(b)(4). The reference to “extremely hazardous waste” is added in this proposed section to maintain consistency with existing standards. This is necessary to assist the generator in determining which generator category standards they must comply with.

Section 66262.13 – Table 1. Add Table 1, “Generator Categories Based on Quantity of Waste Generated in a Calendar Month,” to the proposed regulations to duplicate Table 1 in 40 CFR section 262.13, with some exceptions.

The proposed Table 1 does not differentiate between acute hazardous waste and residues from the cleanup of acute hazardous waste as doing so would be less broad than current state regulations. Additionally, Table 1 is modified to account for the state definition of small quantity generator (i.e., “less than 1000 kg” instead of “greater than 100 kg but less than 1000 kg”). This is necessary to maintain consistency with existing state requirements.

The proposed regulations do not include the quantity limits for very small quantity generators in Table 1 because California’s generator program only recognizes small and large quantity generators. In addition, Table 1 does not include a column for the “quantity of residues from a cleanup of acute hazardous waste generated in a calendar month” that is denoted in the federal Table 1. This is because generators are required to count the quantity of residues with acute hazardous waste the same way as they count acute hazardous waste in existing requirements.

As shown, Table 1 in section 66262.13 of the proposed regulations sufficiently encompasses all of the generator combinations that exist in California, including those that generate extremely hazardous waste. The hazardous waste quantities for each type of hazardous waste are consistent with the amended definition of small quantity generator and proposed new definition of large quantity generator.

Section 66262.13(c). Retain the existing counting requirement in section 66262.34(i) and relocate it to section 66262.13(c). This requirement is restructured to align with the corresponding federal requirement in 40 CFR section 262.13(c). The universal waste

counting exemption is relocated to proposed section 66262.13(c)(2). No substantive revision has been made as this is an existing regulatory requirement.

Section 66262.13(c)(1). Duplicate the counting exemption requirement in 40 CFR section 262.13(c)(1) to align with the corresponding federal requirement. The proposed regulation replaces federal exemption references with analogous state references to exemptions applicable in California. “Sections 66261.4(c) through (f), 66261.6(a)(3), or 66261.7(a)” contains the analogous California exemptions to 40 CFR 261.4(c) through (f), 261.6(a)(3), or 261.7(a)(1). Federal exemption references not applicable in California are omitted. This is necessary to identify to the generator which hazardous wastes do not need to be included in their hazardous waste generator category determination.

Section 66262.13(c)(2). Retain the counting exemption requirement for universal waste in section 66262.34(i) and relocate it to align with the corresponding federal requirement that was reorganized in 40 CFR section 262.13(c)(6). “Chapter 23” contains the analogous state universal waste requirements to 40 CFR part 273. No substantive revision has been made as this is an existing regulatory requirement.

Add Section 66262.15. Satellite Accumulation Area Regulations for Small and Large Quantity Generators.

This is a new section being added to article 1 of chapter 12 under the proposed rulemaking to align with the federal reorganization. Under the GIR, the federal regulations relocated the satellite accumulation area requirements from 40 CFR section 262.34(c) to the new 40 CFR section 262.15. Most of these requirements are currently found in existing section 66262.34(e) and are being relocated to the new section for satellite accumulation area in section 66262.15 to maintain consistency with the GIR. In addition, there are new requirements added in the GIR that are considered more stringent than existing state requirements and are being adopted in the proposed regulations to maintain consistency with the federal program. Some aspects of California’s hazardous waste program are more stringent or broader in scope than the federal program and will be retained in the proposed regulation text.

Generator satellite accumulation areas are exempt from central accumulation area requirements. These areas where generators accumulate their hazardous waste at or near the point where the waste was initially generated during daily operations are called satellite accumulation areas. Small and large quantity generators may accumulate up to 55 gallons of hazardous waste or one quart of acute hazardous waste in a satellite accumulation area for up to one year. Once the accumulation limit is reached, or one year has passed since initial accumulation, the hazardous waste must be removed from the satellite accumulation area and added to the generator’s central accumulation area.

Table A provides a crosswalk demonstrating the previous and new citations in 40 CFR and the analogous changes proposed in California regulations. Generators benefit from

these relocations as hazardous waste requirements are easier to find and follow, and will reduce confusion by improving the readability of the regulation text. Therefore, generators may comply more effectively with hazardous waste requirements.

Table A: Crosswalk of Previous Citations to New Citations in 40 CFR and 22 CCR for Satellite Accumulation Areas.

Requirement	Old CFR Citation	New CFR Citation	Old CCR Citation	New CCR Citation
<i>Satellite accumulation provision</i>	262.34(c)	262.15(a)	66262.34(e)	66262.15(a)
<i>Satellite accumulation definition and accumulation limit</i>	262.34(c)(1)	262.15(a)	66262.34(e)(1) and 66262.34(e)(1)(A)	66262.15(a)
<i>Container condition provision</i>	265.171	262.15(a)(1)	66265.171	66262.15(a)(1)
<i>Container compatibility provision</i>	265.172	262.15(a)(2)	66265.172	66262.15(a)(2)
<i>Special standards for RCRA-incompatible wastes</i>	N/A	262.15(a)(3)	N/A	66262.15(a)(3)
<i>Transferring and storing hazardous waste in containers</i>	265.173(a)	262.15(a)(4)	66265.173(a)	66262.15(a)(4)
<i>Marking and labeling containers</i>	262.34(c)(1)(ii)	262.15(a)(5)	66262.34(e)(1)(C), 66262.34(e)(1)(E), and 66262.34(f)(3)	66262.15(a)(5)
<i>Accumulation time limits</i>	N/A	N/A	66262.34(e)(1)(B)	66262.15(a)(9)
<i>Accumulation limits exceptions</i>	N/A	N/A	66262.34(e)(2)	66262.15(b)
<i>3-day accumulation time limit</i>	262.34(c)(2)	262.15(a)(6)	66262.34(e)(3)	66262.15(c)

Section 66262.15(a). The existing satellite accumulation limit definition and accumulation quantity limit requirement in sections 66262.34(e)(1) and (e)(1)(A) is being relocated to this new proposed section. The requirement is restructured to align with the corresponding federal requirement in 40 CFR section 262.15(a), with a few exceptions.

The GIR added a reference to “section 261.31” to the new 40 CFR section 262.15(a), which references F-listed wastes, some of which are acutely hazardous wastes that a generator must consider when accumulating acutely hazardous waste. California’s section 66261.31 is analogous to 40 CFR section 261.31. Additionally, the proposed regulations clarify that a generator may accumulate 1 kg of solid acute hazardous waste in a satellite accumulation area to conform with the federal language.

In addition, the proposed regulations replace federal references “parts 124, 264 through 267, and 270 of this chapter” with analogous California references “chapters 14, 15, 16 and 20.” The proposed regulations do not include a corresponding state reference to CFR part 124 (procedures for permit decision making) because analogous California provisions exist in chapter 20 related to DTSC permit decisions that are implemented “pursuant to the procedures in chapter 21” (procedures for hazardous waste permit decisions). The proposed regulations do not include a corresponding state reference to CFR part 267 (standards for owners and operators of hazardous waste facilities operating under a standardized permit) because analogous California provisions exist in chapter 20 regarding standardized permits. Additionally, the proposed regulations replace federal references “§ 262.16(b) or § 262.17(a)” and “§ 262.15(a)(7) and (8)” with analogous proposed California references “section 66262.16(b) or 66262.17(a)” and “section 66262.15(a)(7) and (8).”

Section 66262.15(a)(1). Relocate the condition of container requirement in section 66265.171 to this new section to align with the federal reorganization. The requirement is restructured to align with the corresponding federal requirement in 40 CFR section 262.15(a)(1), with a few exceptions. The federal requirement is more stringent than the existing California regulation because it requires a generator to “immediately transfer” hazardous waste and “immediately transfer and manage waste in a central accumulation area” when a container holding hazardous waste is not in good condition, adding another layer of safety and protection. This additional timing clarification is being incorporated into this proposed section. Additionally, the proposed regulations are retaining the added the parenthetical phrase “(e.g., severe rusting, apparent structural defects)” from 66265.171 as examples of a container that is not in good condition. The proposed regulations replace federal references “§ 262.16(b) or § 262.17(a)” from the federal language with analogous proposed California references “section 66262.16(b) or 66262.17(a).”

Section 66262.15(a)(2). Relocate the compatibility of waste container requirement in existing section 66265.172 to this new section to align with the federal reorganization.

The terms “transferred and stored” are replaced by the term “accumulated” to conform with the federal language. No other substantive changes are proposed.

Section 66262.15(a)(3). Add the subsection “Special standards for incompatible wastes” to duplicate the corresponding federal subtitle in 40 CFR section 262.15(a)(3). In the GIR, U.S. EPA added new, more stringent standards for satellite accumulation areas ensure greater safety protections.

Section 66262.15(a)(3)(A). Add the mandatory requirement pertaining to incompatible wastes being accumulated in a satellite accumulation area to align with the corresponding federal requirement in 40 CFR section 262.15(a)(3)(i). This subsection specifies that incompatible wastes and materials may not be placed in the same container with limited exceptions that are identified in proposed section 66265.17(b). This is the first of three mandatory requirements applicable to satellite accumulation areas that must be added to ensure equivalency with federal requirements pursuant to Health and Safety Code section 25159. Replace the federal reference to Appendix V with the analogous California reference to Appendix V in chapter 15. Additionally, replace the CFR section reference “265.17(b) of this chapter” with the analogous California reference “66265.17(b) of this division.”

Section 66262.15(a)(3)(B). Add the mandatory requirement pertaining to incompatible wastes being accumulated in a satellite accumulation area to align with the corresponding federal requirement in 40 CFR section 262.15(a)(3)(ii). This subsection specifies that hazardous waste may not be placed in an unwashed container that previously held an incompatible waste or material with limited exceptions that are identified in proposed section 66265.17(b). This is the second of three mandatory requirements applicable to satellite accumulation areas that must be added to ensure equivalency with federal requirements pursuant to Health and Safety Code section 25159. Replace the federal reference to Appendix V with the analogous California reference to Appendix V in chapter 15. Additionally, replace the CFR section reference “265.17(b) of this chapter” with the analogous California reference “66265.17(b) of this division.”

Section 66262.15(a)(3)(C). Add the mandatory requirement pertaining to incompatible wastes being accumulated in a satellite accumulation area to align with the corresponding federal requirement in 40 CFR section 262.15(a)(3)(iii). This subsection specifies that a container holding hazardous waste that is incompatible other waste or other materials accumulated nearby in other containers must be separated from the other materials or protected from them by any practical means. This is the third of three mandatory requirements applicable to satellite accumulation areas that must be added to ensure equivalency with federal requirements pursuant to Health and Safety Code section 25159.

Section 66262.15(a)(4). Relocate the existing container closure requirement in section 66265.173(a) referenced in section 66262.34(e)(1)(D) to this new section to align with the federal reorganization. The requirement is restructured to align with the corresponding federal requirement in 40 CFR section 262.15(a)(4). The terms “transfer and store” are replaced by the term “accumulation” to conform with the federal language. The existing exception language regarding the adding or removing of waste is relocated to subsection 66262.15(a)(4)(A) to conform with the federal language.

Section 66262.15(a)(4)(A). Relocate the exception language of the management of containers in existing section 66265.173(a) to this new section to align with the federal reorganization. The requirement is restructured to align with the corresponding federal requirement in 40 CFR section 262.15(a)(4)(i). The proposed regulations add “consolidating” as existing California hazardous waste regulations to ensure equivalency with federal requirements.

Section 66262.15(a)(4)(B). Add the management of containers exception requirement regarding the temporary venting of a container to align with the federal requirement in 262.15(a)(4)(ii). Existing California hazardous waste regulations do not include this requirement. Therefore, the proposed regulations add the requirement to ensure equivalency with federal hazardous waste program and to improve the container management practices.

Section 66262.15(a)(4)(B)1. Add the first criteria requirement for using the exception requirement regarding when temporary venting of a container is allowed to align with the federal requirement in 262.15(a)(4)(ii)(A). This subsection specifies that this exception is allowed for the proper operation of equipment. Existing California hazardous waste regulations do not include this requirement. Therefore, the proposed regulations add the requirement to ensure equivalency with federal hazardous waste program and to improve the container management practices.

Section 66262.15(a)(4)(B)2. Add the second criteria requirement for using the exception requirement regarding the temporary venting of a container to align with the federal requirement in 262.15(a)(4)(ii)(B). This subsection specifies that this exception is allowed to prevent dangerous situations, such as build-up of extreme pressure. Existing California hazardous waste regulations do not include this requirement. Therefore, the proposed regulations add the requirement to ensure equivalency with federal hazardous waste program and to improve the container management practices.

Section 66262.15(a)(5). Relocate and restructure the existing requirement to mark and label containers from section 66262.34(e)(1)(E) to this new section to align with the federal reorganization in 40 CFR section 262.15(a)(5). Tanks are not referenced in this marking and labeling requirement in the analogous federal requirements as that is not an allowable form of hazardous waste containment in a satellite accumulation area per

existing section 66262.34(e)(1)(A). Therefore, tanks are omitted from this section to maintain consistency with federal requirements.

Section 66262.15(a)(5)(A). Relocate and restructure the existing requirement from section 66262.34(e)(1)(E) to mark or label containers with the words “Hazardous Waste” to this new section to align with the federal requirement in 40 CFR section 262.15(a)(5)(i). The existing requirement cross-references the marking and labeling requirements for containers and tanks in section 66262.34(f)(3). There is no new requirement being added with the relocation of this standard.

Section 66262.15(a)(5)(B). Relocate the existing requirement from section 66262.34(e)(1)(E) to label containers to identify the composition and physical state of the wastes to this new section to align with the federal reorganization. The existing requirement cross-references the marking and labeling requirements for containers and tanks in section 66262.34(f)(3)(A). This requirement is unique to California’s hazardous waste requirements and is being retained as it existed prior to the GIR. There is no new requirement being added with the relocation of this standard.

Section 66262.15(a)(5)(C). Relocate the existing requirement from section 66262.34(e)(1)(E) to label containers with the hazardous properties (e.g. hazards of the contents) of a waste to align with the federal reorganization. The existing requirement cross-references the marking and labeling requirements for containers and tanks in section 66262.34(f)(3)(B). The requirement is restructured to align with the corresponding federal requirement in 40 CFR section 262.15(a)(5)(ii). The GIR added the federal requirement for a generator to identify the hazards of the contents of a hazardous waste storage unit (e.g., container, tank, etc.). Additionally, the GIR added expanded examples denoting how a generator may indicate the hazards of the contents a hazardous waste storage unit. The federal language is clearer, more concise, and easier to understand than the existing corresponding state requirement in section 66262.34(f)(3)(B). Therefore, the proposed regulations modify the existing state requirement to align with the federal language.

Section 66262.15(a)(5)(D). Relocate the existing requirement from section 66262.34(e)(1)(E) to mark and label containers with the name and address of the person generating the waste to this new section to align with the federal reorganization. The existing requirement cross-references the marking and labeling requirements for containers and tanks in section 66262.34(f)(3)(C). Replace the term “producing” with the term “generating” in the hazardous waste generator regulations. This is an existing requirement that is being retained in the proposed regulations. There is no new requirement being added with the relocation of this standard.

Section 66262.15(a)(5)(E). Relocate the existing requirement in section 66262.34(e)(1)(C) to mark each container with the date hazardous waste accumulation begins to this new section to align with the federal reorganization. The language is

restructured to improve the readability of the requirement. There is no new requirement being added with the relocation of this standard.

Section 66262.15(a)(6). Relocate the three-day accumulation time limit requirement in section 66262.34(e)(3) to this new section to align with the federal reorganization. This subsection specifies that a generator who accumulates hazardous waste above the amounts in subsection (a) in a satellite accumulation area must comply with the requirements in the following two subsections. The requirement is restructured to align with the corresponding federal requirement in 40 CFR section 262.15(a)(6). Replace the references to the federal lists of acute hazardous waste in in 40 CFR section 261.31 or 261.33(e) with analogous California references in section 66261.31 or 66261.33(e). Replace the federal reference to paragraph (a) with the analogous California reference to subsection (a). “Extremely hazardous waste” is a hazardous waste type specific to California and is being retained, along with non-acute hazardous waste and acute hazardous waste, in the proposed regulations.

Section 66262.15(a)(6)(A). Relocate the three-consecutive-day accumulation time limit requirement in section 66262.34(e)(3) to this new section to align with the federal reorganization. This subsection specifies that a generator who accumulates hazardous waste above the amounts in subsection (a) in a satellite accumulation area must comply with this requirement through one of the options delineated in sections 66262.16(b), 66262.17(a), or 66262.15(a)(6)(B) through 6622.15(a)(6)(B)3. The requirement is restructured to align with the corresponding federal requirement in 40 CFR section 262.15(a)(6)(i). There is no new requirement being added with the relocation of this standard.

Section 66262.15(a)(6)(B). Add the new three-day accumulation time limit option regarding the removal of excess hazardous waste to align with the federal requirement in in 40 CFR section 262.15(a)(6)(ii). This subsection specifies that a generator who accumulates hazardous waste above the amounts in subsection (a) in a satellite accumulation area must either remove the excess from the satellite accumulation area within three consecutive calendar days to a location specified in the following subsections or comply with proposed section 66262.15(a)(6)(A). Existing California hazardous waste regulations do not include this option. Therefore, the option is added to ensure equivalency with the federal hazardous waste program and to provide an additional flexibility for compliance.

Section 66262.15(a)(6)(B)1. Add the new three-day accumulation time limit option regarding the removal of excess hazardous waste to align with the federal requirement in in 40 CFR section 262.15(a)(6)(ii)(A). This subsection specifies that a generator may move excess hazardous waste to a central accumulation area operated in accordance with the applicable regulations in section 66262.16(b) or 66262.17(a). This is the first of three options for a generator to manage excess hazardous waste in a satellite accumulation area. Existing California hazardous waste regulations do not include this

option. Therefore, the option is added to ensure equivalency with the federal hazardous waste program and to provide an additional flexibility for compliance. The federal regulatory references to section 262.16(b) or 262.17(a) have been replaced with the analogous California references in proposed section 66262.16(b) or 66262.17(a).

Section 66262.15(a)(6)(B)2. Add the new three-day accumulation time limit option regarding the removal of excess hazardous waste to align with the federal requirement in in 40 CFR section 262.15(a)(6)(ii)(B). This subsection specifies that an on-site interim status or permitted treatment, storage, or disposal facility is a place a generator may move excess hazardous waste to. This is the second of three options for a generator to manage excess hazardous waste in a satellite accumulation area. Existing California hazardous waste regulations do not include this option. Therefore, the requirement is added to ensure equivalency with the federal hazardous waste program and to provide an additional flexibility for compliance.

Section 66262.15(a)(6)(B)3. Add the new three-day accumulation time limit option regarding the removal of excess hazardous waste to align with the federal requirement in in 40 CFR section 262.15(a)(6)(ii)(C). This subsection specifies that an off-site designated facility is a place a generator may move excess hazardous waste to. This is the third of three options for a generator to manage excess hazardous waste in a satellite accumulation area. Existing California hazardous waste regulations do not include this option. Therefore, the requirement is added to ensure equivalency the federal hazardous waste program and to provide an additional flexibility for compliance.

Section 66262.15(a)(6)(C). Relocate the three-day accumulation time limit marking or labeling requirement in section 66262.34(e)(3) to this new section to align with the federal reorganization. This subsection specifies that, during three-consecutive-calendar-day period, the generator must comply with the satellite accumulation area requirements in proposed subsections (a)(1) through (5) and place the date the excess amount of hazardous waste began accumulation on the container(s). The requirement is restructured to align with the corresponding federal requirement in 40 CFR section 262.15(a)(6)(iii). Replace federal regulatory reference to paragraphs (a)(1) through (5) with the analogous California references in the proposed regulations, found in subsections (a)(1) through (5). There is no new requirement being added with the relocation of this standard.

Section 66262.15(a)(6)(D). Relocate the California accumulation limit requirement for a process or group of processes in section 66262.34(e)(2) to align with the federal reorganization for satellite accumulation areas. This subsection specifies that, except as provided in the following two subsections, a process or group of processes that meet the satellite accumulation area requirements in subsection (a) are subject to a single applicable accumulation limit for that process or group of processes. Existing section 66262.34(e)(2) cross-references to sections 66262.34(e)(2)(A) (which is being retained and relocated to proposed section 66262.15(a)(6)(D)(1)), and section 66262.34(e)(2)(B)

(which is being retained and relocated to proposed section 66262.15(a)(6)(D)(2)), which have been updated to reflect the new proposed regulatory sections. Section 66262.34(e)(1) is being retained and relocated to proposed section 66262.15(a). Additionally, the proposed regulations add the quantity limit clarification for solid hazardous waste of 1 kg and specify that the 1-quart limit is for liquid hazardous wastes. This is an existing requirement that is being retained in the proposed regulations. This addition makes the quantity limitation easier to understand for generators of solid and liquid hazardous waste. There is no new requirement being added with the relocation of this standard.

Section 66262.15(a)(6)(D)1. Retain and relocate the California accumulation limit requirement for a process or group of processes in existing section 66262.34(e)(2)(A) to this new section to align with the federal reorganization. This subsection specifies the exception that separate accumulation limits apply to each group of wastestreams that are compatible if not all of the wastestreams generated by a single process or group of processes located within the same physical area are compatible. The proposed regulations clarify the quantity limit for solid hazardous waste of 1 kg and specify that the 1-quart limit is for liquid hazardous wastes. This addition makes the quantity limitation easier to understand for generators of solid and liquid hazardous waste. This is an existing requirement that is being retained in the proposed regulations. There is no new requirement being added with the relocation of this standard.

Section 66262.15(a)(6)(D)2. Retain and relocate the California accumulation limit requirement for a process or group of processes in section 66262.34(e)(2)(B) to this new section to align with the federal reorganization. This subsection specifies the exception that a generator may use a separate accumulation container for those specific compatible wastestreams if the generator determines that using only one container for the waste is not practical or unsafe. The proposed regulations add the quantity limit clarification for solid hazardous waste of 1 kg and specify that the 1-quart limit is for liquid hazardous wastes. This addition makes the quantity limitation easier to understand for generators of solid and liquid hazardous waste. This is an existing requirement that is being retained in the proposed regulations. There is no new requirement being added with the relocation of this standard.

Section 66262.15(a)(7). Add a new requirement that subjects a small quantity generator's satellite accumulation area to preparedness and prevention requirements in the proposed section 66262.16(b)(8) and emergency requirements in the proposed section 66262.16(b)(9) to align with the corresponding federal requirement in 40 CFR section 262.15(a)(7). The federal regulations enhanced environmental protections by requiring generator satellite accumulation areas to be subject to preparedness, prevention, and emergency requirements, which California did not previously require. This requirement is added to ensure equivalency with federal requirements pursuant to Health and Safety Code section 25159.

Section 66262.15(a)(8). Add a new requirement that subjects a large quantity generator's satellite accumulation area to preparedness, prevention, and emergency procedure requirements in the new article 9 of chapter 12 in the proposed regulations to align with the corresponding federal requirement in 40 CFR section 262.15(a)(8). This requirement is added to ensure equivalency with federal requirements pursuant to Health and Safety Code section 25159.

Section 66262.15(a)(9). Relocate the existing requirement in section 66262.34(e)(1)(B) for the one-year accumulation time limit to align with the federal reorganization for satellite accumulation areas. Existing section 66262.34(e)(1)(B) pertaining to the standard accumulation time limits cross-references to sections 66262.34(a), which has been updated to reflect the new proposed regulatory sections. Existing section 66262.34(e)(1)(B) pertaining to when the one-year accumulation time limit in satellite accumulation areas begins also cross references 66262.34(a), which have also been updated to reflect the new proposed regulatory sections. This is an existing requirement that is being retained in the proposed regulations. There is no new requirement being added with the relocation of this standard.

Add Section 66262.16. Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste.

This new section is added under the proposed rulemaking to align with the federal reorganization of generator standards. Under the GIR, the federal small quantity generator requirements in 40 CFR section 262.34 "Accumulation Time" were relocated to new 40 CFR section 262.16 "Conditions for Exemption for Small Quantity Generators" and 40 CFR section 262.34 was repealed. The proposed changes parallel the reorganization in the GIR for small quantity generators by relocating the requirements from section 66262.34(d) to proposed section 66262.16. There are also new requirements that are more stringent than existing state requirements.

The existing California requirements applicable to small quantity generators in existing section 66262.34(d)(2) cross-reference to obsolete sections in 40 CFR, specifically section 262.34(d), (e), and (f). These requirements are restructured in the proposed section 66262.16 to align with federal requirements in 40 CFR section 262.16. Small quantity generators in California are subject to additional existing regulatory requirements beyond what is required under federal regulations. Examples include additional marking and labeling requirements identified in section 66262.34(f)(3).

The relocation of state regulations to other sections is necessary to maintain consistency with the organization adopted by U.S. EPA in the corresponding federal regulations in 40 CFR. Table B provides a crosswalk for small quantity generator standards demonstrating the previous and new citations in 40 CFR and the analogous California regulations.

Table B: Crosswalk of Previous Citations to New Citations in 40 CFR and the Proposed Regulations for Small Quantity Generators

Requirement	Old CFR Citation	New CFR Citation	Old CCR Citation	New CCR Citation
<i>Definition of SQG</i>	262.34(d)	260.10, 262.16(a)	66260.10, 66262.34(d) and (d)(3)	66260.10, 66262.16(a)
<i>Accumulation time limit for SQG</i>	262.34(d)	262.16, 262.16(b)	66262.34(d)	66262.16 and 66262.16(b)
<i>Accumulation limit for SQG</i>	262.34(d)(1)	262.16(b)(1)	66262.34(d)(1)	66262.16(b)(1)
<i>Accumulation in containers</i>	262.34(d)(2) (references 40 CFR Part 265 subpart I)	262.16(b)(2)	66262.34(d)(2) (references 40 CFR 262.34(d)(2) which references part 265, subpart I (Use and Management of Containers))	66262.16(b)(2)
<i>Accumulation in tanks</i>	262.34(d)(3) (references 40 CFR Part 265, Subpart J)	262.16(b)(3)	66262.34(d)(2) (references 40 CFR 262.34(d)(3) which references section 265.201 of part 265, subpart J (Tank Systems))	66262.16(b)(3)
<i>Labeling and marking of containers and tanks</i>	262.34(d)(4) (references 40 CFR 262.34(a)(2) & (a)(3))	262.16(b)(6)	66262.34(d)(2) (references 40 CFR 262.34(d)(4), which references section 262.34(a)(2) and (a)(3); 66262.34(f) also applies)	66262.16(b)(4)
<i>Preparedness and prevention/emergency procedures</i>	262.34(d)(4) (references part 265, subpart C and 262.34(d)(5))	262.16(b)(8) and (b)(9)	66262.34(d)(2) (references 40 CFR 262.34(d)(4) & 262.34(d)(5) which references part 265, subpart C)	66262.16(b)(6) and (b)(7)

Requirement	Old CFR Citation	New CFR Citation	Old CCR Citation	New CCR Citation
<i>Land disposal restrictions</i>	262.34(d)(4) (references 40 CFR 268.7(a)(5))	262.16(b)(7)	66262.34(d)(2) (references 40 CFR 262.34(d)(4) which references 268.7(a)(5))	66262.16(b)(5)
<i>Transporting over 200 miles</i>	262.34(e)	262.16(c)	66262.34(d)(2) (references 40 CFR 262.34(e))	66262.16(c)
<i>Accumulation time limit extension</i>	262.34(f)	262.16(d)	66262.34(c)	66262.16(d)
<i>Rejected hazardous waste</i>	262.34(m)	262.16(e)	66262.34(g), 66262.34(h)	66262.16(e), 66262.16(f)
<i>Quantity determinations</i>	N/A	N/A	66262.34(i)	66262.13

Section 66262.16. Add “Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste” to align with corresponding federal title in 40 CFR section 262.16, with a few exceptions. The small quantity generator accumulation requirement in section 66262.34(d) is being relocated to this new proposed section. This section specifies that a small quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying additional hazardous waste management requirements provided that all conditions for exemption in proposed section 66262.16 from those requirements are met.

The proposed regulations replace federal references “parts 124, 264 through 267, and 270 of this chapter” and “section 3010 of RCRA” with analogous California references “chapters 14, 15, 16 and 20” and “Health and Safety Code section 25153.6.” Chapters 14, 15, 16, and 20 contain additional hazardous waste management requirements that a generator must comply with if the conditions are not met. Health and Safety Code section 25153.6 requires generators of RCRA hazardous waste to comply with section 3010 of RCRA.

The proposed regulations do not include a corresponding state reference to CFR part 124 (procedures for permit decision making) because analogous California provisions exist in chapter 20 related to DTSC permit decisions that are implemented "pursuant to the procedures in chapter 21" (procedures for hazardous waste permit decisions). The proposed regulations do not include a corresponding state reference to CFR part 267 (standards for owners and operators of hazardous waste facilities operating under a standardized permit) because analogous California provisions exist in chapter 20 regarding standardized permits.

Add Section 66262.16(a). Add the subtitle “Generation” and subsequent conforming language to align with the federal reorganization in 40 CFR section 262.16(a) pursuant to Health and Safety Code section 25159. The definition of small quantity generator is referenced here to specify which generators must meet these conditions to be exempt from storage requirements. The federal citation reference to the definition in 40 CFR 260.10 is being replaced by the analogous proposed California definition in section 66260.10.

Section 66262.16(b). Add the subtitle “Accumulation” and retain and relocate the existing 180-day accumulation time limit, including the reference to extensions to this time limit, in existing section 66262.34(d). This change aligns with the federal requirement in 40 CFR section 262.16(b).

The proposed regulation cross-references to proposed subsection 66262.16(d), which contains the instances when a generator may accumulate hazardous waste for longer than 180 days. There is also a cross-reference to proposed subsection 66262.16(e), which provides the requirements for how to account for rejected loads in the accumulation time limit that is referred to in 66262.34(g). Rejected load provisions allow a facility to send back a generator’s hazardous waste, at which point a new accumulation time limit is established. There is no new requirement being added with the relocation of this standard.

Section 66262.16(b)(1). Add the subtitle “Accumulation limit” to duplicate the subtitle in 40 CFR section 262.16(b)(1) to align with the federal reorganization. In addition, retain and relocate the accumulation quantity limit requirement from section 66262.34(d)(1). Additionally, add the parenthetical “13,200 pounds” conversion to align with the corresponding federal requirement. There is no new requirement being added with the relocation of this standard.

Section 66262.16(b)(2). Add the subtitle “Accumulation of hazardous waste in containers” to duplicate the subtitle in 40 CFR section 262.16(b)(2) to align with the federal reorganization. The requirements for how hazardous waste shall be accumulated in containers are further described in the subsequent subsections.

Section 66262.16(b)(2)(A). Add the subtitle “Condition of containers” to duplicate the subtitle and the condition of the container requirements in 40 CFR section 262.16(b)(2)(i) to align with the federal reorganization. This section specifies that, if a container holding hazardous waste is in bad condition or begins to leak, a generator must either immediately transfer the waste to a good container or manage the waste in compliance with the conditions for exemption. Existing section 66262.34(d)(2) cross-references the condition of containers requirement that is being retained and relocated to this new section. The proposed regulation adds the more stringent federal language “immediately” regarding timing of transfer of hazardous waste added by the GIR.

Section 66262.16(b)(2)(B). Add the subtitle “Compatibility of waste with container” to duplicate the subtitle and the compatibility of waste with container requirement in 40 CFR section 262.16(b)(2)(ii) to align with the federal reorganization. This section specifies that a generator must use a container made of or lined with materials that will not react chemically or are compatible with hazardous waste to be accumulated and so that the container is not damaged. Existing section 66262.34(d)(2) cross-references the compatibility of waste with container requirement that is being retained and relocated to this new section. Additionally, the term “stored” is replaced with the federal language “accumulated” regarding the activities applicable to the compatibility requirements.

Section 66262.16(b)(2)(C). Add the subtitle “Management of containers” to duplicate the subtitle in 40 CFR section 262.16(b)(2)(iii) to align with the federal reorganization.

Section 66262.16(b)(2)(C)1. Duplicate the management of containers requirement in 40 CFR section 262.16(b)(2)(iii)(A) to align with the federal reorganization. This section specifies that a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste. Existing section 66262.34(d)(2) cross-references the management of containers requirement that is being retained and relocated to this new section. Additionally, the term “storage” is replaced with the federal language “accumulation” regarding when a container must be closed.

Section 66262.16(b)(2)(C)2. Duplicate the management of containers requirement in 40 CFR section 262.16(b)(2)(iii)(B) to align with the federal reorganization. This section specifies that a container holding hazardous waste must not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak. Existing section 66262.34(d)(2) cross-references the management of containers requirement that is being retained and relocated to this new section. Additionally, the term “stored” is replaced with the federal term “accumulated” regarding when a container may not be opened.

Section 66262.16(b)(2)(D). Add the subtitle “Inspections” to duplicate the subtitle and inspection requirement for containers in 40 CFR section 262.16(b)(2)(iv) to align with the federal reorganization. This section specifies that a generator must inspect central accumulation areas, look for leaking containers and for deterioration of containers caused by corrosion or other factors, and take the required remedial action in proposed subsection (b)(2)(A) when a damaged container is detected. Existing section 66262.34(d)(2) cross-references the management of containers requirement that is being retained and relocated to this new section. The proposed regulations replace the existing language regarding “areas where containers are stored” with the federal clarification that the inspection applies to central accumulation areas. The portion of the requirement regarding performance track facilities is not included in the proposed regulations because the GIR removed the requirement in the analogous federal regulation.

Section 66262.16(b)(2)(E). Add the subtitle “Special conditions for accumulation of incompatible wastes” to duplicate the subtitle in 40 CFR section 262.16(b)(2)(v) to align with the federal reorganization.

Section 66262.16(b)(2)(E)1. Duplicate the special condition for incompatible wastes requirement in 40 CFR section 262.16(b)(2)(v)(A) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the special condition for incompatible wastes requirement that is being retained and relocated to this new section. The proposed regulations replace the federal reference to Appendix V with the analogous California reference to Appendix V in chapter 15 and replace the CFR section reference “265.17(b) of this chapter” with the analogous California reference “66265.17(b) of this division.”

Section 66262.16(b)(2)(E)2. Duplicate the special condition for incompatible wastes requirement in 40 CFR section 262.16(b)(2)(v)(B) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the special condition for incompatible wastes requirement that is being retained and relocated to this new section. Replace the federal reference to Appendix V with the analogous California reference to Appendix V in chapter 15. The proposed regulations replace the CFR section reference “265.17(b) of this chapter” with the analogous California reference “66265.17(b) of this division.”

Section 66262.16(b)(2)(E)3. Duplicate the special condition for incompatible wastes requirement in 40 CFR section 262.16(b)(2)(v)(C) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the special condition for incompatible wastes requirement that is being retained and relocated to this new section. The proposed regulations replace “holding a” with the federal clarifying language of “accumulating” regarding the condition for when a container holding wastes incompatible with other wastes stored nearby must be separated.

Section 66262.16(b)(3). Add the subtitle “Accumulation of hazardous waste in tanks” to duplicate the subtitle in 40 CFR section 262.16(b)(3) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the small quantity generator tank requirements that are being retained, restructured, and relocated to this new section.

Section 66262.16(b)(3)(A). Duplicate the tank operating condition requirements in 40 CFR section 262.16(b)(3)(ii) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the tank operating condition requirements that are being retained, restructured, and relocated to this new section.

Section 66262.16(b)(3)(A)1. Duplicate the tank operating condition requirement in 40 CFR section 262.16(b)(3)(ii)(A) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the tank operating condition requirement that is being

retained, restructured, and relocated to this new section. The GIR added the more stringent language “accumulation” to the corresponding federal requirement in 40 CFR section 262.16(b)(3)(ii)(A) that is not contained in the existing state requirement. The term “storage” is being replaced by the federal language “accumulation.” In addition, the proposed regulations replace the CFR section reference “265.17(b) of this chapter” with the analogous California reference “66265.17(b) of this division.”

Section 66262.16(b)(3)(A)2. Duplicate the tank operating condition requirement in 40 CFR section 262.16(b)(3)(ii)(B) to align with the federal reorganization pursuant to Health and Safety Code section 25159. Existing section 66262.34(d)(2) cross-references the tank operating condition requirement that is being retained and relocated to this new section.

Section 66262.16(b)(3)(A)3. Duplicate the tank operating condition requirement in 40 CFR section 262.16(b)(3)(ii)(C) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the tank operating condition requirement that is being retained and relocated to this new section.

Section 66262.16(b)(3)(A)4. Duplicate the tank operating condition requirement in 40 CFR section 262.16(b)(3)(ii)(D) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the tank operating condition requirement that is being retained and relocated to this new section.

Section 66262.16(b)(3)(B). Duplicate the tank inspection requirement in 40 CFR section 262.16(b)(3)(iii) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the tank inspection requirement that is being retained, restructured, and relocated to this new section. The proposed regulations replace the federal reference “paragraph (b)(3)(iv)” with the analogous California reference “subsection (b)(3)(C).”

Section 66262.16(b)(3)(B)1. Duplicate the tank inspection requirement in 40 CFR section 262.16(b)(3)(iii)(A) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the tank inspection requirement is being retained and relocated to this new section.

Section 66262.16(b)(3)(B)2. Duplicate the tank inspection requirement in 40 CFR section 262.16(b)(3)(iii)(B) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the tank inspection requirement that is being retained and relocated to this new section.

Section 66262.16(b)(3)(B)3. Duplicate the tank inspection requirement in 40 CFR section 262.16(b)(3)(iii)(C) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the tank inspection requirement that is being retained and relocated to this new section. The proposed regulations replace the federal

reference “paragraph (b)(3)(ii)(C)” with the analogous California reference “subsection (b)(3)(A)3.”

Section 66262.16(b)(3)(B)4. Duplicate the tank inspection requirement in 40 CFR section 262.16(b)(3)(iii)(D) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the tank inspection requirement that is being retained and relocated to this new section.

Section 66262.16(b)(3)(B)5. Duplicate the tank inspection requirement in 40 CFR section 262.16(b)(3)(iii)(E) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the tank inspection requirement that is being retained and relocated to this new section. The proposed regulations add the federal clarification that the generator remedy any equipment issues and take remedial action immediately for imminent or occurring hazards to align with the federal requirement in 40 CFR section 262.16(b)(3)(iii)(E).

Section 66262.16(b)(3)(C). Duplicate the tank inspection requirement in 40 CFR section 262.16(b)(3)(iv) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the tank inspection requirement that is being retained, restructured, and relocated to this new section. The proposed regulations replace the federal reference “paragraphs (b)(3)(iii)(A) through (E)” with the analogous California reference “(b)(3)(B)1 through 5.”

Section 66262.16(b)(3)(D). Duplicate the tank closure requirement in 40 CFR section 262.16(b)(3)(vi) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the tank closure requirement that is being retained, restructured, and relocated to this new section. The proposed regulations replace the federal reference “§ 261.3(c) or (d) of this chapter” with the analogous California reference “section 66261.3(c) or (d) of this division” and replace the federal references “parts 262, 263, 265 and 268 of this chapter” with the corresponding analogous California references to “chapters 12, 13, 15 and 18 of this division” to ensure California requirements are maintained. The proposed regulations include the federal term “solid waste” instead of “waste” to align with the federal requirement in 40 CFR section 262.16(b)(3)(vi).

Section 66262.16(b)(3)(E). Duplicate the special condition requirements for ignitable and reactive wastes in 40 CFR section 262.16(b)(3)(vii) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the special condition requirements for ignitable and reactive wastes that are being retained, restructured, and relocated to this new section. The proposed regulations include the federal clarification “accumulation of” to align with the federal requirement in 40 CFR section 262.16(b)(3)(vii).

Section 66262.16(b)(3)(E)1. Duplicate the special condition requirement for ignitable and reactive wastes in 40 CFR section 262.16(b)(3)(vii)(A) to align with the federal

reorganization. Existing section 66262.34(d)(2) cross-references the special condition requirement for ignitable and reactive wastes that is being retained and relocated to this new section.

Section 66262.16(b)(3)(E)1.a. Duplicate the special condition requirement for ignitable and reactive wastes in 40 CFR section 262.16(b)(3)(vii)(A)(1) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the special condition requirement for ignitable and reactive wastes that is being retained, restructured, and relocated to this new section. The proposed regulations replace the federal references “§261.21 or §261.23 of this chapter and § 265.17(b) of this chapter” with the corresponding California references “section 66261.21 or 66261.23 and section 66265.17(b) of this division” to ensure that existing California requirements are maintained.

Section 66262.16(b)(3)(E)1.b. Duplicate the special condition requirement for ignitable and reactive wastes in 40 CFR section 262.16(b)(3)(vii)(A)(2) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the special condition requirement for ignitable and reactive wastes that is being retained, restructured, and relocated to this new section. The proposed regulations include the term “accumulated” instead of “stored” to align with the federal requirement in 40 CFR section 262.16(b)(3)(vii)(A)(2).

Section 66262.16(b)(3)(E)1.c. Duplicate the special condition requirement for ignitable and reactive wastes in 40 CFR section 262.16(b)(3)(vii)(A)(3) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the special condition requirement for ignitable and reactive wastes that is being retained and relocated to this new section.

Section 66262.16(b)(3)(E)2. Duplicate the special condition requirement for ignitable and reactive wastes in 40 CFR section 262.16(b)(3)(vii)(B) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the special condition requirement for ignitable and reactive wastes that is being retained, restructured, and relocated to this new section. The proposed regulations include the term “accumulates” instead of “stores” to align with the federal requirement in 40 CFR section 262.16(b)(3)(vii)(A)(2). Additionally, the proposed regulations replace the CFR reference “§260.11” to the National Fire Protection Association's “Flammable and Combustible Liquids Code (1977 or 1981)” with the corresponding California regulatory reference “section 66260.11 of this division” to 1981 version of the code to ensure that existing state requirements are maintained.

Section 66262.16(b)(3)(E)3. Duplicate the special condition requirement for incompatible wastes in 40 CFR section 262.16(b)(3)(vii)(C) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the special condition

requirement for ignitable and reactive wastes that is being retained, restructured, and relocated to this new section.

Section 66262.16(b)(3)(E)3.a. Duplicate the special condition requirement for incompatible wastes in 40 CFR section 262.16(b)(3)(vii)(C)(1) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the special condition requirement for ignitable and reactive wastes that is being retained, restructured, and relocated to this new section. The proposed regulations replace the federal reference to Appendix V with the analogous California reference to Appendix V in chapter 15. Additionally, proposed regulations replace the CFR section reference “265.17(b) of this chapter” with the analogous California reference “66265.17(b) of this division” to ensure that existing state requirements are maintained

Section 66262.16(b)(3)(E)3.b. Duplicate the special condition requirement for incompatible wastes in 40 CFR section 262.16(b)(3)(vii)(C)(2) to align with the federal reorganization. Existing section 66262.34(d)(2) the special condition requirement for ignitable and reactive wastes that is being retained, restructured, and relocated to this new section. The proposed regulations replace the CFR section reference “265.17(b) of this chapter” with the analogous California reference “66265.17(b) of this division” to ensure that existing state requirements are maintained.

Section 66262.16(b)(4). Add the subtitle “Labeling and marking of containers and tanks” to duplicate the subtitle in 40 CFR section 262.16(b)(6) to align with the federal reorganization.

Section 66262.16(b)(4)(A). Add the subtitle “Containers” to duplicate the federal subtitle and duplicate the small quantity generator container labeling and marking requirements in 40 CFR section 262.16(b)(6)(i) to align with the federal reorganization. The existing California requirements in section 66262.34(f)(1), (2), and (3), which contain the container labeling and marking requirements, are being retained, modified, and relocated to this new subsection to align with the corresponding federal requirement in 40 CFR section 262.16(b)(6)(i).

The portable tank portion of the existing labeling and marking requirements in section 66262.34(f)(3) is removed because a portable tank is a container and subject to container requirements. Per the existing section definition in section 66260.10, a container is any portable device in which a material can be stored, handled, treated, transported, recycled or disposed of. A tank is a fixed, stationary device used to contain hazardous waste. This removal does not change how portable tanks are regulated as they were subject to the same requirements as containers.

Section 66262.16(b)(4)(A)1. Duplicate the small quantity generator container labeling and marking requirement in 40 CFR section 262.16(b)(6)(i)(A) to align with the federal reorganization. The existing requirement in section 66262.34(f)(3), which contains the

container labeling and marking requirement is being retained and relocated to this new subsection to align with the corresponding federal requirement in 40 CFR section 262.16(b)(6)(i)(A). There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(4)(A)2. Retain and relocate the existing California small quantity generator container labeling and marking requirement in section 66262.34(f)(3)(A) to this new section. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(4)(A)3. Align the existing California requirement in section 66262.34(f)(3)(B) with the small quantity generator container labeling and marking requirement in 40 CFR section 262.16(b)(6)(i)(B). The proposed regulations include the federal expanded examples denoting how a generator may indicate the hazards of the contents a hazardous waste storage unit. The federal language is more concise and easier to understand than the existing corresponding California requirement in section 66262.34(f)(3)(B).

Section 66262.16(b)(4)(A)4. Retain and relocate the existing California small quantity generator container labeling and marking requirement in section 66262.34(f)(3)(C) to this new section. The proposed regulations replace the word “producing” with the word “generating” to align with the new terminology adopted in the GIR. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(4)(A)5. Retain and relocate the small quantity generator accumulation date container marking requirement in section 66262.34(f)(1) to this new subsection. The language is restructured to make the accumulation date marking requirement for containers clearer. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(4)(A)6. Retain and relocate the small quantity generator accumulation period date container marking requirement in section 66262.34(f)(2) to this new subsection. The language is restructured to specify that the accumulation period date marking requirement is for containers. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(4)(B). Add the subtitle “Tanks” to duplicate the federal subtitle and duplicate the small quantity generator tank labeling and marking requirements in 40 CFR section 262.16(b)(6)(ii) to align with the federal reorganization. The existing California requirements in section 66262.34(f)(2) and (3), which contains the tank labeling and marking requirements, are being retained, restructured, and relocated to this new subsection to align with the corresponding federal requirement in 40 CFR section 262.16(b)(6)(ii).

The portable tank portion of the existing labeling and marking requirements in section 66262.34(f)(3) is removed because a portable tank is a container and subject to container requirements. Per the existing section definition in section 66260.10, a container is any portable device in which a material can be stored, handled, treated, transported, recycled or disposed of. A tank is a fixed, stationary device used to contain hazardous waste. This removal does not change how portable tanks are regulated as they were subject to the same requirements as containers.

Section 66262.16(b)(4)(B)1. Duplicate the small quantity generator tank labeling and marking requirement in 40 CFR section 262.16(b)(6)(ii)(A) to align with the federal reorganization pursuant to Health and Safety Code section 25159. The existing requirement in section 66262.34(f)(3), which contains the tank labeling and marking requirement, is being retained and relocated to this new subsection to align with the corresponding federal requirement in 40 CFR section 262.16(b)(6)(ii)(A).

Section 66262.16(b)(4)(B)2. Add the marking and labeling requirement from 40 CFR section 262.16(b)(6)(ii)(B) to this new subsection to maintain California's hazardous waste program equivalency with the federal hazardous waste program. This section specifies that a small quantity generator must mark or label its tanks with an indication of the hazards of the contents. California's existing hazardous waste program does not include this more stringent requirement adopted under the GIR. Therefore, it is a mandatory provision to adopt pursuant to Health and Safety Code section 25159.

Section 66262.16(b)(4)(B)3. Retain and relocate the small quantity generator accumulation period date tank marking requirement in section 66262.34(f)(2) to this new subsection. The language is restructured to specify that the accumulation period date marking requirement is for tanks. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(4)(B)4. Add the mandatory requirement in 40 CFR section 262.16(b)(6)(ii)(C) to this new subsection that requires a generator to use inventory logs, monitoring equipment, or other records to demonstrate a tank was emptied within 180 days. This requirement is added to maintain California's hazardous waste program equivalency with the federal hazardous waste program. California's hazardous waste program does not include this more stringent requirement, which makes it a mandatory provision to adopt pursuant to Health and Safety Code section 25159.

Section 66262.16(b)(4)(B)5. Add the mandatory requirement in 40 CFR section 262.16(b)(6)(ii)(D) to this new subsection that requires a generator to keep inventory logs or records with the information in proposed section 66262.16(b)(4)(B)4 on site and available for inspection. This requirement is added to maintain California's hazardous waste program equivalency with the federal hazardous waste program. California's hazardous waste program does not include this more stringent requirement adopted

under the GIR. Therefore, it is a mandatory provision to adopt pursuant to Health and Safety Code section 25159.

Section 66262.16(b)(5). Add the subtitle “Land disposal restrictions” to duplicate the federal subtitle and duplicate the requirement in 40 CFR section 262.16(b)(7) for a generator to comply with land disposal restrictions in chapter 18 to align with the federal reorganization. This is an existing California requirement in section 66268.1(b) of chapter 18. The proposed regulations replace the CFR section reference “40 CFR part 268” with the analogous California reference “chapter 18 of this division” to ensure that existing California requirements are maintained. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(6). Add the subtitle “Preparedness and prevention” to duplicate the subtitle in 40 CFR section 262.16(b)(8) to align with the federal reorganization⁹. The existing California requirement is being retained, modified, and relocated to this new subsection.

Section 66262.16(b)(6)(A). Add the subtitle “Maintenance and operation of facility” to duplicate the federal subtitle and duplicate the maintenance and operation requirement in 40 CFR section 262.16(b)(8)(i) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the maintenance and operation requirement that is being retained, restructured, and relocated to this new section.

Section 66262.16(b)(6)(B). Add the subtitle “Required equipment” to duplicate the federal subtitle and duplicate the required equipment requirements in 40 CFR section 262.16(b)(8)(ii) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the equipment requirements that are being retained, restructured, and relocated to this new section.

The GIR updated the federal regulations so now all areas where hazardous waste is either generated or accumulated are required to be equipped with specific items. The existing California requirement only requires the facility itself to be equipped with the items, not the named areas where they must be kept. Therefore, the proposed regulations add the federal language in 40 CFR section 262.16(b)(8)(ii), with a few exceptions, to maintain California’s hazardous waste program equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159. The proposed regulations replace federal reference “paragraphs (b)(8)(ii)(A) through (D)” with the analogous California reference “subsection (b)(6)(B)1 through 4” to ensure that existing California requirements are maintained.

Section 66262.16(b)(6)(B)1. Duplicate the equipment requirement in 40 CFR section 262.16(b)(8)(ii)(A) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the equipment requirement that is being retained and relocated to this new section.

Section 66262.16(b)(6)(B)2. Duplicate the equipment requirement in 40 CFR section 262.16(b)(8)(ii)(B) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the equipment requirement that is being retained and relocated to this new section.

Section 66262.16(b)(6)(B)3. Duplicate the equipment requirement in 40 CFR section 262.16(b)(8)(ii)(C) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the equipment requirement that is being retained and relocated to this new section.

Section 66262.16(b)(6)(B)4. Duplicate the equipment requirement in 40 CFR section 262.16(b)(8)(ii)(D) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the equipment requirement is being retained and relocated to this new section.

Section 66262.16(b)(6)(C). Add the subtitle “Testing and maintenance of equipment” to duplicate the federal subtitle and duplicate the testing and maintenance requirement in 40 CFR section 262.16(b)(8)(iii) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the testing and maintenance requirement that is being retained and relocated to this new section.

Section 66262.16(b)(6)(D). Add the subtitle “Access to communications or alarm system” to duplicate the federal subtitle and duplicate the access to communications or alarm system requirements in 40 CFR section 262.16(b)(8)(iv) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the access to communications or alarm system requirements that are being retained, restructured, and relocated to this new section.

Section 66262.16(b)(6)(D)1. Duplicate the access to communications or alarm system requirement in 40 CFR section 262.16(b)(8)(iv)(A) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the access to communications or alarm system requirement that is being retained, restructured, and relocated to this new section. The proposed regulations replace federal reference “paragraphs (a)(8)(ii)” with the analogous California reference “subsection (b)(6)(B)” to ensure that existing California requirements are maintained.

Section 66262.16(b)(6)(D)2. Duplicate the access to communications or alarm system requirement in 40 CFR section 262.16(b)(8)(iv)(B) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the access to communications or alarm system requirement that is being retained, restructured, and relocated to this new section. The proposed regulations replace federal reference “paragraphs (a)(8)(ii)” with the analogous California reference “subsection (b)(6)(B)” to ensure that existing California requirements are maintained.

Section 66262.16(b)(6)(E). Add the subtitle “Required aisle space” to duplicate the federal subtitle and duplicate the aisle space requirement in 40 CFR section 262.16(b)(8)(v) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the aisle space requirement that is being retained, restructured, and relocated to this new section.

Section 66262.16(b)(6)(F). Add the subtitle “Arrangement with local authorities” to duplicate the subtitle and duplicate the arrangement with local authorities requirements in 40 CFR section 262.16(b)(8)(vi) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the requirements to make arrangements with local authorities that is being retained, restructured, and relocated to this new section.

Section 66262.16(b)(6)(F)1. Duplicate the requirement to make arrangements with local authorities in 40 CFR section 262.16(b)(8)(vi)(A) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the requirement to make arrangements with local authorities that is being retained, restructured, and relocated to this new section. The federal requirement is more stringent than the existing California requirement because it requires a generator to account for the “quantities of hazardous wastes handled at the facility” when attempting to make arrangements with local authorities. Therefore, it is a mandatory provision to adopt pursuant to Health and Safety Code section 25159. The proposed regulations include the federal option for a generator to make arrangements with the Local Emergency Planning Committee to align with the federal requirement.

Section 66262.16(b)(6)(F)1.a. Duplicate the requirement to make arrangements with local authorities in 40 CFR section 262.16(b)(8)(vi)(A)(1) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the requirement to make arrangements with local authorities that is being retained, restructured, and relocated to this new section. The federal requirement is more concise than the California requirement because the federal requirement consolidates the emergency response organizations the generator must determine the need for services of into one subsection. The existing California requirement separates this requirement into several subsections and the arrangement of the text is different. Therefore, the proposed regulations add the federal language in 40 CFR section 262.16(b)(8)(vi)(A)(1) to maintain California’s hazardous waste program equivalency with the federal hazardous waste program.

Section 66262.16(b)(6)(F)1.b. Duplicate the requirement to make arrangements with local authorities in 40 CFR section 262.16(b)(8)(vi)(A)(2) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the requirement to make arrangements with local authorities that is being retained, restructured, and relocated to this new section. The federal requirement is more concise than the California requirement because the federal requirement, within one subsection, requirements a generator to familiarize six emergency response organizations with

facility and emergency information. The existing California requirement separates this requirement into several subsections and is slightly different.

The GIR updated the federal regulation so that it now requires the generator to familiarize six organizations (i.e. the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals) rather than just three organizations (i.e. the local police department, fire department, and emergency response teams) with all of the following facility information: “layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes.” Additionally, the federal regulation now requires the generator to familiarize six organizations rather than just one (i.e., local hospitals) as is required by the state on the “types of injuries or illnesses that could result from fires, explosions, or releases at the facility.” Therefore, the proposed regulations add the federal language from 40 CFR section 262.16(b)(8)(vi)(A)(2) to maintain California’s hazardous waste program equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.16(b)(6)(F)1.c. Duplicate the requirement to make arrangements with local authorities in 40 CFR section 262.16(b)(8)(vi)(A)(3) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the requirement to make arrangements with local authorities that is being retained, restructured, and relocated to this new section. The existing California requirement is slightly different than the federal requirement because the federal regulation requires the generator to make arrangements designating a police or fire department as having primary emergency authority. The existing state regulation requires the generator to make agreements designating primary emergency authority to two departments, a police department and fire department. The GIR updated this requirement so that only one department has primary emergency authority, not two. Therefore, the proposed regulations add the federal language from 40 CFR section 262.16(b)(8)(vi)(A)(3) to maintain consistency between California’s hazardous waste program and the federal hazardous waste program.

Section 66262.16(b)(6)(F)2. Add the mandatory requirement to maintain records of arrangements with local authorities in 40 CFR section 262.16(b)(8)(vi)(B) to align with the federal reorganization. This is a new requirement added under the GIR that is more stringent than the California requirement because California federal hazardous program does not include the requirement. The federal hazardous waste program requires a generator to maintain records that either documents the arrangements with local authorities or the generator’s attempt to make arrangements if no arrangement exists. Therefore, the proposed regulations add the federal language from 40 CFR section 262.16(b)(8)(vi)(B) to maintain California’s hazardous waste program equivalency with

the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.16(b)(6)(F)3. Add the arrangement refusal documentation requirement referenced in section 40 CFR section 265.37(b) to maintain California's existing hazardous waste standard. The existing documentation requirement in section 66262.34(d)(2) cross-references the documentation requirement that is being retained and relocated to this new section. There is no new requirement being added with the relocation of this existing standard.

Add Section 66262.16(b)(7). Add the subtitle "Emergency procedures," to duplicate the federal subtitle and duplicate the emergency procedures requirements in 40 CFR section 262.16(b)(9) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the emergency procedures requirements that are being retained, restructured, and relocated to this new section. The GIR updated the federal regulation to clarify that a generator must comply with conditions for "those areas of the generator facility where hazardous waste is generated and accumulated." The existing state requirement does not include this clarification. Therefore, the proposed regulations add the federal language from 40 CFR section 262.16(b)(9) to maintain California's hazardous waste program equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(7)(A). Duplicate the emergency procedure requirement in 40 CFR section 262.16(b)(9)(i) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the emergency procedures requirement that is being retained, restructured, and relocated to this new section. The proposed regulations replace federal reference "paragraph (d)(9)(iv)" with the analogous California reference "subsection (b)(7)(D)" to ensure that existing California requirements are maintained.

Section 66262.16(b)(7)(B). Duplicate the requirements regarding what information must be posted next to telephones in 40 CFR section 262.16(b)(9)(ii) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the emergency procedures requirement that is being retained, restructured, and relocated to this new section. The GIR added the federal flexibility for a generator to post information in areas directly involved in the generation and accumulation of hazardous waste. California's existing hazardous waste program does not include this flexibility. Therefore, the proposed regulations add the federal language from 40 CFR section 262.16(b)(9)(ii) to maintain California's hazardous waste program equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.16(b)(7)(B)1. Duplicate the information posting requirement in 40 CFR section 262.16(b)(9)(ii)(A) to align with the federal reorganization. Existing section

66262.34(d)(2) cross-references the information posting requirement that is being retained and relocated to this new section.

Section 66262.16(b)(7)(B)2. Duplicate the information posting requirement in 40 CFR section 262.16(b)(9)(ii)(B) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the information posting requirement that is being retained and relocated to this new section.

Section 66262.16(b)(7)(B)3. Duplicate the information posting requirement in 40 CFR section 262.16(b)(9)(ii)(C) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the information posting requirement is being retained and relocated to this new section.

Section 66262.16(b)(7)(C). Duplicate the emergency procedures requirement in 40 CFR section 262.16(b)(9)(iii) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the emergency procedures requirement that is being retained and relocated to this new section. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(7)(D). Duplicate the emergency coordinator requirements in 40 CFR section 262.16(b)(9)(iv) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the emergency coordinator requirements are being retained, restructured, and relocated to this new section. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(7)(D)1. Duplicate the emergency coordinator requirement in 40 CFR section 262.16(b)(9)(iv)(A) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the emergency coordinator requirement that is being retained and relocated to this new section. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(7)(D)2. Align the existing California emergency coordinator requirement with the emergency coordinator requirement in 40 CFR section 262.16(b)(9)(iv)(B). Existing section 66262.34(d)(2) cross-references the emergency coordinator requirement that is being retained, restructured, and relocated to this new section. There is no new requirement being added with the relocation of this existing standard. The proposed regulations do not include the clarification that hazardous waste containment and cleanup can be conducted either by the small quantity generator or by a contractor on behalf of the small quantity generator. Existing California regulations does not prevent a contractor from containing and cleaning up hazardous waste.

Section 66262.16(b)(7)(D)3. Duplicate the emergency coordinator requirements in 40 CFR section 262.16(b)(9)(iv)(C) to align with the federal reorganization. Existing section

66262.34(d)(2) cross-references the emergency coordinator requirement that is being retained, restructured, and relocated to this new section. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(7)(D)3.a. Duplicate the emergency coordinator report requirement in 40 CFR section 262.16(b)(9)(iv)(C)(1) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the emergency coordinator report requirement that is being retained, restructured, and relocated to this new section. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(7)(D)3.b. Duplicate the emergency coordinator report requirement in 40 CFR section 262.16(b)(9)(iv)(C)(2) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the emergency coordinator report requirement that is being retained and relocated to this new section. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(7)(D)3.c. Duplicate the emergency coordinator report requirement in 40 CFR section 262.16(b)(9)(iv)(C)(3) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the emergency coordinator report requirement that is being retained and relocated to this new section. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(7)(D)3.d. Duplicate the emergency coordinator report requirement in 40 CFR section 262.16(b)(9)(iv)(C)(4) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the emergency coordinator report requirement that is being retained and relocated to this new section. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(7)(D)3.e. Duplicate the emergency coordinator report requirement in 40 CFR section 262.16(b)(9)(iv)(C)(5) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the emergency coordinator report requirement is being retained and relocated to this new section. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(b)(8). Retain and relocate the California hazardous waste holding requirement in section 66262.34(d)(3) to this new subsection to align with the federal reorganization. The existing language is restructured for clarity. This is a California specific requirement proposed to be relocated to this new subsection because this rulemaking proposes to repeal section 66262.34 and relocate its requirements.

Section 66262.16(c). Add the subtitle “Transporting over 200 miles” to duplicate the subtitle and duplicate the waste transportation requirement in 40 CFR section 262.16(c) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the waste transportation requirement that is being retained, restructured, and

relocated to this new section. There is no new requirement being added with the relocation of this existing standard. The proposed regulations replace federal reference “paragraph (b)” with the analogous California reference “subsection (b)” to ensure that existing California requirements are maintained.

Section 66262.16(d). Add the subtitle “Accumulation time limit extension” to duplicate the federal subtitle and duplicate the accumulation time limit extension requirements in 40 CFR section 262.16(d) to align with the federal reorganization. Existing section 66262.34(d)(2) cross-references the accumulation time limit extension requirements that are being retained, restructured, and relocated to this new section. There is no new requirement being added. The proposed regulations replace federal references “40 CFR parts 264, 265, 267, 268, and 270 of this chapter” with analogous California references “chapters 14, 15, 18, and 20” to ensure that existing California requirements are maintained. Additionally, the proposed regulations include the requirement that an “extension may be granted pursuant to section 66262.35 if non-RCRA or RCRA-exempt hazardous wastes shall remain on site for longer than 180 days” to retain existing California requirements.

Section 66262.16(e). Add the subtitle “Rejected load” to duplicate the federal subtitle and duplicate the rejected loads requirements in 40 CFR section 262.16(e) to align with the federal reorganization. This section specifies that a small quantity generator may accumulate hazardous waste, in accordance with the small quantity generator requirements in section 66262.16, that was previously rejected and returned to the generator from a designated facility. The existing rejected loads requirements in section 66262.34(g) are being retained, restructured, and relocated to this new section. There is no new requirement being added. The federal requirements are more concise and easier to understand than the existing California requirements. Therefore, the proposed regulations include the federal language from 40 CFR section 262.16(e). The proposed regulations replace federal references “§ 264.72 or § 265.72 of this chapter” and “paragraphs (a)–(d)” with analogous California references “sections 66264.72 or 66265.72 of this division” and “subsections (a)-(d)” to ensure that existing California requirements are maintained. The reference to the statutory exception in Health and Safety Code section 25160.6 in the existing language is not included in the proposed regulations because the Health and Safety Code section no longer exists.

Section 66262.16(e)(1). Duplicate the manifest requirement in 40 CFR section 262.16(e)(1) to align with the federal reorganization. The existing manifest requirement in section 66262.34(g)(1) is being retained and relocated to this new section. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(e)(2). Duplicate the manifest requirement in 40 CFR section 262.16(e)(2) to align with the federal reorganization. The existing manifest requirement in section 66262.34(g)(2) is being retained and relocated to this new section. There is no new requirement being added with the relocation of this existing standard.

Section 66262.16(e)(3). Retain and relocate the California manifest requirement in section 66262.34(g)(3) to this new subsection to align with the federal reorganization. This is a California specific requirement proposed to be relocated to this new subsection because this rulemaking proposes to repeal section 66262.34 and relocate its requirements.

Section 66262.16(f). Retain and relocate the California labeling and marking requirement for rejected loads in section 66262.34(h) to this new subsection to align with the federal reorganization. This is a California specific requirement proposed to be relocated to this new subsection because this rulemaking proposes to repeal section 66262.34 and relocate its requirements.

Section 66262.16(g). Retain and relocate the Health and Safety Code section 25123.3(c) requirements for determining the beginning of the small quantity generator accumulation time period (i.e., when the clock starts) to align with the regulatory reorganization. These requirements are similar to the “clock starts” requirements in existing section 66262.34(b). However, the requirement language is restructured to incorporate only the small quantity generator criteria for beginning the 180-day or 270-day accumulation time period. This is a California specific requirement proposed to be relocated to this new subsection because this rulemaking proposes to repeal section 66262.34 and relocate its requirements.

Section 66262.16(g)(1). Retain and relocate the Health and Safety Code section 25123.3(c) requirement for determining the beginning of the small quantity generator accumulation time period (i.e., when the clock starts) to align with the regulatory reorganization. This requirement is similar to the “clock starts” requirement in existing section 66262.34(b)(1). However, the requirement language is restructured to incorporate only the small quantity generator criteria for beginning the 180-day or 270-day accumulation time period. This is a California specific requirement proposed to be relocated to this new subsection because this rulemaking proposes to repeal section 66262.34 and relocate its requirements.

Section 66262.16(g)(2). Retain and relocate the Health and Safety Code section 25123.3(c) requirement for determining the beginning of the small quantity generator accumulation time period (i.e., when the clock starts) to align with the regulatory reorganization. This requirement is similar to the “clock starts” requirement in existing section 66262.34(b)(2). However, the requirement language is restructured to incorporate only the small quantity generator criteria for beginning the 180-day or 270-day accumulation time period. This is a California specific requirement proposed to be relocated to this new subsection because this rulemaking proposes to repeal section 66262.34 and relocate its requirements.

Add Section 66262.17. Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste.

This is a new section being added under the proposed rulemaking to align with the federal reorganization of generator standards. It parallels the reorganization in the GIR for large quantity generators by relocating the requirements from section 66262.34 into proposed section 66262.17 and repealing section 66262.34. There are also new requirements that are more stringent than existing California requirements.

Under the GIR, the federal regulations relocated the large quantity generator requirements from 40 CFR section 262.34 “Accumulation Time” to the new section, “Conditions for Exemption for Large Quantity Generators” in 40 CFR section 262.17. The existing California requirements applicable to large quantity generators in existing section 66262.34(a) cross-reference requirements in sections found in chapter 15. Large quantity generator requirements will be restructured in the proposed section 66262.17 to align with federal requirements in 40 CFR section 262.17. Large quantity generators in California will continue to be subject to additional existing regulatory requirements beyond what is required under federal regulations. Examples include additional marking and labeling requirements identified in section 66262.34(f)(3).

Table C: Crosswalk of Previous Citations to New Citations in 40 CFR and the Proposed Regulations for Large Quantity Generators

Regulation	Old CFR Citation	New CFR Citation	Old CCR Citation	New CCR Citation
<i>Definition of LQG</i>	N/A	260.10	N/A	66260.10
<i>Accumulation time limit</i>	262.34(a)	262.17(a)	66262.34(a)	66262.17(a)
<i>Accumulation in containers</i>	262.34(a)(1)(i) (references part 265 subparts I, AA, BB, CC)	262.17(a)(1) (references AA, BB, CC requirements)	66262.34(a)(1) (A)	66262.17(a)(1)
<i>Accumulation in tanks</i>	262.34(a)(1)(ii)	262.17(a)(2)	66262.34(a)(1) (A)	66262.17(a)(2)
<i>Accumulation on drip pads</i>	262.34(a)(1)(iii)	262.17(a)(3)	66262.34(a)(1) (B)	66262.17(a)(3)
<i>Accumulation in containment buildings</i>	262.34(a)(1)(iv)	262.17(a)(4)	66262.34(a)(1) (C)	66262.17(a)(4)
<i>Labeling and marking of containers and tanks</i>	262.34(a)(2) 262.34(a)(3)	262.17(a)(5)	66262.34(a)(2) and 66262.34(a)(3)	66262.17(a)(5)

Regulation	Old CFR Citation	New CFR Citation	Old CCR Citation	New CCR Citation
<i>Preparedness, prevention, and emergency procedures</i>	262.34(a)(4) (references 40 CFR Part 265 subparts C and D)	262.17(a)(6) (references subpart M)	66262.34(a)(4) (references chapter 15 article 3 and 4 requirements)	66262.17(a)(6), (references article 9 of chapter 12)
<i>Personnel training</i>	262.34(a)(4) (references 265.16)	262.17(a)(7)	66262.34(a)(4) (references 66265.16)	66262.17(a)(7)
<i>Closure</i>	262.34(a)(1)(iv) (B) (references 265.111 and 265.114)	262.17(a)(8)	66262.34(a)(1) (A) (references 66265.111 and 66265.114)	66262.17(a)(8)
<i>Land disposal restrictions</i>	262.34(a)(4) (references 268.7(a)(5))	262.17(a)(9)	66262.34(a)(4) (references 66268.7(a)(5))	66262.17(a)(9)
<i>Accumulation time limit extension</i>	262.34(b)	262.17(b)	66262.34(c)	66262.17(b)
<i>Rejected loads</i>	262.34(m)	262.17(g)	66262.34(g), 66262.34(h)	66262.17(c), 66262.17(d)
<i>Quantity determinations</i>	N/A	N/A	66262.34(i)	66262.13

Section 66262.17. Add the title “Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste” to align with corresponding federal title in 40 CFR section 262.17. The large quantity generator accumulation requirement in existing section 66262.34(a) is being retained and relocated to this new proposed section. This section specifies that a large quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying additional hazardous waste management requirements provided that all conditions for exemption in proposed section 66262.17 from those requirements are met. The requirement is restructured to align with the corresponding federal requirement in 40 CFR section 262.17, with a few exceptions.

The proposed regulations replace federal references “parts 124, 264 through 267, and 270 of this chapter” and “section 3010 of RCRA” with analogous California references “chapters 14, 15, 16 and 20” and “Health and Safety Code section 25153.6.” Chapters 14, 15, 16, and 20 contain additional hazardous waste management requirements of existing section 66262.34 (a), (b) and (c) that a generator need not comply with if the conditions are met. Health and Safety Code section 25153.6 requires generators of RCRA hazardous waste to comply with section 3010 of RCRA.

The proposed regulations do not include a corresponding state reference to CFR part 124 (procedures for permit decision making) because analogous California provisions exist in chapter 20 related to DTSC permit decisions that are implemented "pursuant to the procedures in chapter 21" (procedures for hazardous waste permit decisions). The proposed regulations do not include a corresponding state reference to CFR part 267 (standards for owners and operators of hazardous waste facilities operating under a standardized permit) because analogous California provisions exist in chapter 20 regarding standardized permits.

Section 66262.17(a). Add the subtitle "Accumulation" retain and relocate the existing 90-day accumulation time limit, including reference to extensions to this time limit, in existing section 66262.34(a). This requirement is restructured to align with the corresponding federal requirement in 40 CFR section 262.17(a). The proposed regulations include the references "subsection (b) of this section or section 66262.35 of this article" because both contain the state accumulation time limit extension requirements. There is no new requirement being added with the relocation of this standard.

Section 66262.17(a)(1). Add the subtitle "Accumulation of hazardous waste in containers" to duplicate the subtitle and the accumulation requirement in 40 CFR section 262.17(a)(1) to align with the federal reorganization. The requirements for how hazardous waste must be accumulated in containers are further described in the subsequent subsections.

The requirements in existing section 66262.34(a)(1)(A) regarding the use and management of containers in referenced article 9 of chapter 15 are retained and relocated to proposed sections 66262.17(a)(1)(A) through (G). In addition, the air emissions standards references "articles 27, 28, and 28.5 of chapter 15" from existing section 66262.34(a)(1)(A) are retained and relocated to proposed section 66262.17(a)(1)(A). The proposed regulations do not include the exemption to the requirements in articles 7 and 8 of chapter 15 because the applicable large quantity generator requirements, including the requirements in sections 66265.111 and 66265.114, are retained, restructured, and relocated to proposed section 66262.17(a)(8) to align with the corresponding federal requirement in 40 CFR section 262.17(a)(1).

Section 66262.17(a)(1)(A). Add the subtitle "Air emission standards" to duplicate the subtitle and air emissions requirements in 40 CFR section 262.17(a)(1)(i) to align with the federal reorganization. The proposed regulations retain, restructure, and relocate the requirements in section 66262.34(a)(1)(A) to this new subsection. There is no new requirement being added with the relocation of this standard.

Section 66262.17(a)(1)(B). Add the subtitle "Condition of containers" to duplicate the subtitle and the condition of containers requirement in 40 CFR section 262.17(a)(1)(ii) to

align with the federal reorganization. The requirements in existing section 66262.34(a)(1)(A) is being retained and relocated to this new section. The proposed regulation adds the more stringent federal language “immediately” regarding timing of transfer of hazardous waste added by the GIR.

Section 66262.17(a)(1)(C). Add the subtitle “Compatibility of waste with container” to duplicate the subtitle and duplicate the container compatibility requirement in 40 CFR section 262.17(a)(1)(iii) to align with the federal reorganization. The requirements in existing section 66262.34(a)(1)(A) are being retained and relocated to this new section. There is no new requirement being added with the relocation of this standard.

Section 66262.17(a)(1)(D). Add the subtitle “Management of containers” to duplicate the subtitle in 40 CFR section 262.17(a)(1)(iv) to align with the federal reorganization.

Section 66262.17(a)(1)(D)1. Duplicate the management of containers requirement in 40 CFR section 262.17(a)(1)(iv)(A) to align with the federal reorganization. The requirements in existing section 66262.34(a)(1)(A) are being retained, restructured, and relocated to this new section. The proposed regulations use the federal language “accumulation” instead of the existing California terms “transfer and storage” to maintain consistency with the federal requirement.

Section 66262.17(a)(1)(D)2. Duplicate the management of containers requirement in 40 CFR section 262.17(a)(1)(iv)(B) to align with the federal reorganization. The requirements in existing section 66262.34(a)(1)(A) are being retained, restructured, and relocated to this new section. The proposed regulations do not retain the existing California term “transferred” to maintain consistency with the federal requirement. Additionally, the proposed regulations retain and relocate the existing California requirement that the re-use of containers for transportation must comply with the U.S. Department of Transportation regulations to maintain the existing California standard.

Section 66262.17(a)(1)(E). Add the subtitle “Inspections” to duplicate the subtitle and duplicate the inspection requirement in 40 CFR section 262.17(a)(1)(v) to align with the federal reorganization. The requirements in existing section 66262.34(a)(1)(A) are being retained and relocated to this new section. The proposed regulations replace the existing language regarding “areas used for container storage or transfer” with the federal clarification that the inspection applies to central accumulation areas to align with the clearer federal terminology updated by the GIR.

Section 66262.17(a)(1)(F). Add the subtitle “Special conditions for accumulation of ignitable and reactive waste” to duplicate the subtitle in 40 CFR section 262.17(a)(1)(vi) to align with the federal reorganization.

Section 66262.17(a)(1)(F)1. Duplicate the special condition for ignitable and reactive wastes requirement in 40 CFR section 262.17(a)(1)(vi)(A) to align with the federal

reorganization. The requirement in existing section 66262.34(a)(1)(A) is being retained and relocated to this new section. The proposed regulations do not include the more flexible federal language allowing the receipt of approval for hazardous waste to be accumulated within the restricted area because California's requirements are more stringent.

Section 66262.17(a)(1)(F)2. Add the new special condition for ignitable and reactive wastes requirement in 40 CFR section 262.17(a)(1)(vi)(B) to align with the federal reorganization. Under the GIR, U.S. EPA added an additional condition for a large quantity generator to take precautions to prevent accidental ignition or reaction of ignitable or reactive waste including confining smoking and open flames to designated locations and placing "No Smoking" signs in hazard areas. California's existing hazardous waste generator requirements does not include this safety requirement. Therefore, the proposed regulations include this requirement to maintain California's hazardous waste program equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(1)(G). Add the subtitle "Special conditions for accumulation of incompatible wastes" to duplicate the subtitle in 40 CFR section 262.17(a)(1)(vii) to align with the federal reorganization.

Section 66262.17(a)(1)(G)1. Duplicate the special condition for incompatible wastes requirement in 40 CFR section 262.17(a)(1)(vii)(A) to align with the federal reorganization. The requirements in existing section 66262.34(a)(1)(A) are being retained and relocated to this new section. The proposed regulations replace the federal references with the analogous California references.

Section 66262.17(a)(1)(G)2. Duplicate the special condition for incompatible wastes requirement in 40 CFR section 262.17(a)(1)(vii)(B) to align with the federal reorganization. The federal clarification that section 66265.17(b) must be complied with is added to maintain consistency with the federal language. The requirements of existing section 66262.34(a)(1)(A) are being retained and relocated to this new section. The proposed regulations replace the federal references with the analogous California reference.

Section 66262.17(a)(1)(G)3. Duplicate the special condition for incompatible wastes requirement in 40 CFR section 262.17(a)(1)(vii)(C) to align with the federal reorganization. The requirements of existing section 66262.34(a)(1)(A) are being retained and relocated to this new section. The proposed regulations replace the California term "transferred" with the federal clarifying term "accumulated" regarding the condition for when a container holding wastes incompatible with other wastes stored nearby must be separated.

Section 66262.17(a)(2). Add the subtitle “Accumulation of hazardous waste in tanks” to duplicate the subtitle and the accumulation of hazardous waste in tanks requirements in 40 CFR section 262.17(a)(2) to align with the federal reorganization. The existing accumulation of hazardous waste in tanks requirements in section 66262.34(a)(1)(A) are being retained, restructured, and relocated to this new section.

Section 66262.17(a)(3). Add the subtitle “Accumulation of hazardous waste on drip pads” to duplicate the subtitle and the accumulation of hazardous waste on drip pads requirements in 40 CFR section 262.17(a)(3) to align with the federal reorganization. The existing accumulation of hazardous waste on drip pads requirements in section 66262.34(a)(1)(B) are being retained, restructured, and relocated to this new section.

Section 66262.17(a)(3)(A). Duplicate the accumulation of hazardous waste on drip pads requirements in 40 CFR section 262.17(a)(3)(i) to align with the federal reorganization. The existing accumulation of hazardous waste on drip pads requirements in section 66262.34(a)(1)(B) are being retained, restructured, and relocated to this new section.

Section 66262.17(a)(3)(B). Duplicate the accumulation of hazardous waste on drip pads requirements in 40 CFR section 262.17(a)(3)(ii) to align with the federal reorganization. This section specifies that a large quantity generator must remove all wastes from the drip pad at least once every 90 days. The removed hazardous wastes are then subject to the 90-day accumulation limit. The GIR added this requirement to ensure that hazardous waste on drip pads is removed and accumulated within the applicable limit, which California currently does not require. Therefore, the proposed regulation includes the more stringent language to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(3)(C). Duplicate the drip pad records maintenance requirements in 40 CFR section 262.17(a)(3)(iii) to align with the federal reorganization. The existing drip pad records maintenance requirements in section 66262.34(a)(1)(B) are being retained, restructured, and relocated to this new section. The GIR added the federal requirement that the drip pad records must be “readily available for inspection,” which California currently does not require. Therefore, the proposed regulation includes the more stringent language to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(3)(C)1. Duplicate the drip pad records maintenance requirement in 40 CFR section 262.17(a)(3)(iii)(A) to align with the federal reorganization. The existing drip pad records maintenance requirement in section 66262.34(a)(1)(B)1 is being retained, restructured, and relocated to this new section.

Section 66262.17(a)(3)(C)2. Duplicate the drip pad records maintenance requirement in 40 CFR section 262.17(a)(3)(iii)(B) to align with the federal reorganization. The

existing drip pad records maintenance requirement in section 66262.34(a)(1)(B)2 is being retained, restructured, and relocated to this new section.

Section 66262.17(a)(4). Add the subtitle “Accumulation of hazardous waste in containment buildings” to duplicate the subtitle and the accumulation of hazardous waste in containment buildings requirements in 40 CFR section 262.17(a)(4) to align with the federal reorganization. Existing containment building requirements in section 66262.34(a)(1)(C) are being retained, restructured, and relocated to this new section. The proposed regulations add the more stringent federal requirement for a generator to label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to personnel on site. Additionally, the proposed regulations add the more stringent federal requirement for a generator to provide an indication of the hazards of the contents of the containment building in a conspicuous place. California does not have these requirements. Therefore, the proposed regulation includes the more stringent language to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(4)(A). Duplicate the containment building records requirement in 40 CFR section 262.17(a)(4)(i) to align with the federal reorganization. The existing containment building requirements in section 66262.34(a)(1)(C) are being retained, restructured, and relocated to this new section. Additionally, the proposed regulations do not include the statement in the existing California requirement about the generator’s professional engineer certification being placed in the “facility’s operating record no later than 60 days after the date of initial operation of the unit” because the February 18, 1993, timeframe in the existing regulation has passed and is outdated.

Section 66262.17(a)(4)(B). Add the mandatory requirement in 40 CFR section 262.17(a)(4)(ii) to this new subsection that requires a generator to maintain records in the following subsection by use of inventory logs, monitoring equipment, or other effective means. This requirement is added to maintain California’s hazardous waste program equivalency with the federal hazardous waste program. California’s hazardous waste program does not include this more stringent requirement to use inventory logs, monitoring equipment, or other records inventory logs, monitoring equipment, or other effective means for records maintenance. Therefore, the proposed regulations include the mandatory provision to adopt pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(4)(B)1. Duplicate the containment building records requirement in 40 CFR section 262.17(a)(4)(ii)(A) to align with the federal reorganization. The existing containment building requirement in section 66262.34(a)(1)(C)1 is being retained, restructured, and relocated to this new section.

Section 66262.17(a)(4)(B)2. Duplicate the containment building records requirement in 40 CFR section 262.17(a)(4)(ii)(B) to align with the federal reorganization. The existing

containment building requirement in section 66262.34(a)(1)(C)2 is being retained, restructured, and relocated to this new section.

Section 66262.17(a)(4)(B)3. Add the mandatory requirement in 40 CFR section 262.17(a)(4)(ii)(C) to this new subsection that requires a generator to keep inventory logs or records with the information in proposed section 66262.17(a)(4)(B) on site and available for inspection. This requirement is added to maintain California's hazardous waste program equivalency with the federal hazardous waste program. California's hazardous waste program does not include this more stringent requirement, which makes it a mandatory provision to adopt pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(5). Add the subtitle "Labeling and marking of containers and tanks" to duplicate the subtitle used in 40 CFR section 262.17(a)(5) to align with the federal reorganization.

Section 66262.17(a)(5)(A). Add the subtitle "Containers" to duplicate the federal subtitle and duplicate the large quantity generator container labeling and marking requirements in 40 CFR section 262.17(a)(5)(i) to align with the federal reorganization. The existing California requirements in section 66262.34(a)(2) and (f), which contains the container labeling and marking requirements, are being retained, modified, and relocated to this new subsection. The portable tank portion of the existing labeling and marking requirements in section 66262.34(f)(3) is removed because a portable tank is a container and subject to container requirements. Per the existing section definition in section 66260.10, a container is any portable device in which a material can be stored, handled, treated, transported, recycled or disposed of. A tank is a fixed, stationary device used to contain hazardous waste. This removal does not change how portable tanks are regulated as they were subject to the same requirements as containers.

Section 66262.17(a)(5)(A)1. Duplicate the large quantity generator container labeling and marking requirement in 40 CFR section 262.17(a)(5)(i)(A) to align with the federal reorganization. This section specifies that a large quantity generator must mark or label its containers with the words "Hazardous Waste." The existing requirement in section 66262.34(f)(3), which contains the container labeling and marking requirement is being retained and relocated to this new subsection. There is no new requirement being added with the relocation of this existing standard.

Section 66262.17(a)(5)(A)2. Retain and relocate the existing California large quantity generator container labeling and marking requirement in section 66262.34(f)(3)(A) to this new section. There is no new requirement being added with the relocation of this existing standard.

Section 66262.17(a)(5)(A)3. Duplicate the large quantity generator container labeling and marking requirement in 40 CFR section 262.17(a)(5)(i)(B) to align with the federal

reorganization. The existing California requirement in section 66262.34(f)(3)(B), which requires a generator to label its container accumulating hazardous waste with statement or statements which call attention to the particular hazardous properties of the waste is being retained, restructured, and relocated to this new subsection. The proposed regulations include the federal expanded examples denoting how a generator may indicate the hazards of the contents a hazardous waste storage unit. The federal language is more concise and easier to understand than the existing corresponding California requirement in section 66262.34(f)(3)(B).

Section 66262.17(a)(5)(A)4. Retain and relocate the existing California large quantity generator container labeling and marking requirement in section 66262.34(f)(3)(C) to this new section. The proposed regulations replace the word “producing” with the word “generating” for clarity and consistency with the new terminology adopted in the GIR. There is no new requirement being added with the relocation of this existing standard.

Section 66262.17(a)(5)(A)5. Retain and relocate the large quantity generator accumulation date container marking requirement in section 66262.34(a)(2) and (f)(1) to this new subsection. The language is restructured to specify that the accumulation date marking requirement is for containers. There is no new requirement being added with the relocation of this existing standard.

Section 66262.17(a)(5)(A)6. Retain and relocate the large quantity generator accumulation period date container marking requirement in section 66262.34(f)(2) to this new subsection. The language is restructured to specify that the accumulation period date marking requirement is for containers. There is no new requirement being added with the relocation of this existing standard.

Section 66262.17(a)(5)(B). Add the subtitle “Tanks” to duplicate the federal subtitle and duplicate the large quantity generator tank labeling and marking requirements in 40 CFR section 262.17(a)(5)(ii) to align with the federal reorganization. The existing California requirements in section 66262.34(f)(2) and (3), which contains the tank labeling and marking requirements, are being retained, restructured, and relocated to this new subsection. The portable tank portion of the existing labeling and marking requirements in section 66262.34(f)(3) is removed because a portable tank is a container and subject to container requirements. Per the existing section definition in section 66260.10, a container is any portable device in which a material can be stored, handled, treated, transported, recycled or disposed of. A tank is a fixed, stationary device used to contain hazardous waste. This removal does not change how portable tanks are regulated as they were subject to the same requirements as containers.

Section 66262.17(a)(5)(B)1. Duplicate the large quantity generator tank labeling and marking requirement in 40 CFR section 262.17(a)(5)(ii)(A) to align with the federal reorganization. This section specifies that a large quantity generator must mark or label

its tanks with the words “Hazardous Waste.” The existing requirement in section 66262.34(f)(3) is being retained and relocated to this new subsection.

Section 66262.17(a)(5)(B)2. Add the marking and labeling requirement from 40 CFR section 262.17(a)(5)(ii)(B) to this new subsection. This section specifies that a large quantity generator must mark or label its tanks with an indication of the hazards of the contents, which California does not currently require. Therefore, the proposed regulation includes the more stringent language to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(5)(B)3. Retain and relocate the large quantity generator accumulation period date tank marking requirement in section 66262.34(f)(2) to this new subsection. The language is restructured to specify that the accumulation period date marking requirement is for tanks. There is no new requirement being added with the relocation of this existing standard.

Section 66262.17(a)(5)(B)4. Add the mandatory requirement in 40 CFR section 262.17(a)(5)(ii)(C) to this new subsection. California currently does not require a generator to use inventory logs, monitoring equipment, or other records to demonstrate a tank was emptied within 90 days. Therefore, the proposed regulation includes the more stringent language to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(5)(B)5. Add the mandatory requirement in 40 CFR section 262.17(a)(5)(ii)(D) to this new subsection. California currently does not require a generator to keep inventory logs or records with the information in proposed section 66262.17(a)(5)(B)4 on site and available for inspection. Therefore, the proposed regulation includes the more stringent language to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(6). Add the subtitle “Emergency procedures” to duplicate the subtitle and the emergency procedures requirements in 40 CFR section 262.17(a)(6) to align with the federal reorganization. The existing emergency procedures requirements in section 66262.34(a)(4) are being retained, restructured, and relocated to this new section. Proposed article 9 of chapter 12 duplicates the preparedness, prevention, and emergency procedures requirements in existing articles 3 and 4 of chapter 15. The proposed regulations replace the CFR reference “subpart M of this part” with the analogous California reference “article 9 of this chapter.”

Section 66262.17(a)(7). Add the subtitle “Personnel training” to duplicate the subtitle used in 40 CFR section 66262.17(a)(7) to align with the federal reorganization.

Section 66262.17(a)(7)(A)1. Retain and relocate the personnel training requirements found in section 66262.34(a)(4) to align with the federal reorganization. The existing

California requirements in section 66262.34(a)(4) are being retained, restructured, and relocated to this new subsection.

This section combines the requirements from section 66265.16(a) and (a)(1), restructures the language, and adds the proposed California reference “subsection (a)(7)(D),” containing the training program elements, to align with the federal reorganization. The language “Notwithstanding subsection (g)” in existing section 66265.16(a) is removed because subsection (g) states that generators that are not owners or operators are not subject to subsection (f) of existing section 66265.16. This proposed regulation is only applicable to generators that are not owners nor operators, therefore, subsection (f) of existing section 66265.16 is not being duplicated in this section.

Section 66262.17(a)(7)(A)2. Retain and relocate the personnel training requirement found in section 66262.34(a)(4) to align with the federal reorganization. The existing California requirement in section 66262.34(a)(4) is being retained, restructured, and relocated to this new subsection. The proposed regulations add the term “program” to clarify that the hazardous waste training is a program.

Section 66262.17(a)(7)(A)3. Retain and relocate the personnel training requirement found in section 66262.34(a)(4) to align with the federal reorganization. The existing California requirement in section 66262.34(a)(4) is being retained, restructured, and relocated to this new subsection. The proposed regulations add the term “program” to clarify that the hazardous waste training is a program. Additionally, the proposed regulations replace the language “prevention, mitigation, abatement, and notification procedures” with the federal language “emergency procedures” to maintain consistency with federal terminology.

Section 66262.17(a)(7)(A)3.a. Retain and relocate the personnel training requirement found in section 66262.34(a)(4) to align with the federal reorganization. The existing California requirement in section 66262.34(a)(4) is being retained and relocated to this new subsection.

Section 66262.17(a)(7)(A)3.b. Retain and relocate the personnel training requirement found in section 66262.34(a)(4) to align with the federal reorganization. The existing California requirement in section 66262.34(a)(4) is being retained and relocated to this new subsection.

Section 66262.17(a)(7)(A)3.c. Retain and relocate the personnel training requirement found in section 66262.34(a)(4) to align with the federal reorganization. The existing California requirement in section 66262.34(a)(4) is being retained and relocated to this new subsection.

Section 66262.17(a)(7)(A)3.d. Retain and relocate the personnel training requirement found in section 66262.34(a)(4) to this new subsection to align with the federal reorganization.

Section 66262.17(a)(7)(A)3.e. Retain and relocate the personnel training requirement found in section 66262.34(a)(4) to this new subsection to align with the federal reorganization.

Section 66262.17(a)(7)(A)3.f. Retain and relocate the personnel training requirement found in section 66262.34(a)(4) to this new subsection to align with the federal reorganization.

Section 66262.17(a)(7)(A)3.g. Retain and relocate the personnel training requirement found in section 66262.34(a)(4) to this new subsection to align with the federal reorganization.

Section 66262.17(a)(7)(A)3.h. Retain and relocate the personnel training requirement found in section 66262.34(a)(4) to this new subsection align with the federal reorganization.

Section 66262.17(a)(7)(A)4. Retain and relocate the training program requirements found in section 66262.34(a)(4) to this new subsection align with the federal reorganization. The proposed regulations do not include the outdated language “Effective July 1, 2019” because date has passed, and the requirements are effective.

Section 66262.17(a)(7)(A)4.a. Retain and relocate the general awareness training requirement found in section 66262.34(a)(4) to this new subsection to align with the federal reorganization.

Section 66262.17(a)(7)(A)4.b. Retain and relocate the function-specific job training requirement found in section 66262.34(a)(4) to this new subsection to align with the federal reorganization.

Section 66262.17(a)(7)(B). Retain and relocate the personnel training requirement found in section 66262.34(a)(4) to this new subsection to align with the federal reorganization. The proposed language is restructured to align with some of the federal language in 40 CFR section (a)(7)(ii) and to clarify and improve the readability of the text. The proposed regulations update the training requirement reference “subsection (a)” from existing section 66265.16(b) with new proposed reference “subsection (a)(7)(A)” to align with the regulatory reorganization.

Section 66262.17(a)(7)(C). Retain and relocate the personnel training requirement found in section 66262.34(a)(4) to this new subsection to align with the federal reorganization. The proposed language is restructured for clarity. The proposed regulations update the training requirement reference “subsection (a)” from existing

section 66265.16(c) with new proposed reference “subsection (a)(7)(A)” to align with the regulatory reorganization. Additionally, the proposed regulations do not include the existing language “unless otherwise specified” to align with the analogous federal requirement in 40 CFR section (a)(7)(iii) that does not include the language.

Section 66262.17(a)(7)(D). Retain and relocate the training record requirements found in section 66262.34(a)(4) to this new subsection to align with the federal reorganization. The proposed regulations update the training requirement references “subsection (a)” and “paragraphs (1) through (4)” from existing section 66265.16(d) with new proposed reference “subsection (a)(7)(D)1 through 4” to align with the regulatory reorganization.

Section 66262.17(a)(7)(D)1. Retain and relocate the training record requirement found in section 66262.34(a)(4) to this new subsection to align with the federal reorganization.

Section 66262.17(a)(7)(D)2. Retain and relocate the training record requirement found in section 66262.34(a)(4) to this new subsection to align with the federal reorganization. The proposed regulations update the training record requirement reference “paragraph (d)(1)” from existing section 66265.16(d)(2) with new proposed reference “subsection (a)(7)(D)(1)” to align with the regulatory reorganization.

Section 66262.17(a)(7)(D)3. Retain and relocate the training record requirement found in section 66262.34(a)(4) to this new subsection to align with the federal reorganization. The proposed regulations update the training record requirement reference “paragraph (d)(1)” from existing section 66265.16(d)(3) with new proposed reference “subsection (a)(7)(D)(1)” to align with the regulatory reorganization.

Section 66262.17(a)(7)(D)4. Retain and relocate the training record requirement found in section 66262.34(a)(4) to this new subsection to align with the federal reorganization. The proposed regulations update the training record requirement reference “subsections (a), (b), and (c)” from existing section 66265.16(d)(4) with new proposed reference “subsections (a)(7)(A), (B), and (C)” to align with the regulatory reorganization.

Section 66262.17(a)(7)(E). Retain and relocate the training record requirement found in section 66262.34(a)(4) to this new subsection to align with the federal reorganization.

Section 66262.17(a)(8). Add the subtitle “Closure” to duplicate the subtitle and the closure requirements in 40 CFR section 262.17(a)(8) to align with the federal reorganization. The existing California requirements in section 66262.34(a)(1)(A) are being retained, restructured, and relocated to this new subsection. Under the GIR, U.S. EPA consolidated and added specific closure requirements for large quantity generators. The federal requirements were previously found in 40 CFR section 262.34(a)(1)(iv)(B). The GIR added new closure requirements for containers. Prior to the adoption of the GIR, only tanks, containment buildings, and drip pad waste

accumulation units were required to meet closure requirements. The proposed regulations add closure requirements for containers to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159. The existing requirements are consolidated here to maintain consistency with the federal reorganization.

Section 66262.17(a)(8)(A). Add the subtitle “Notification for closure of a waste accumulation unit” to duplicate subtitle and the new notification requirements in 40 CFR section 262.17(a)(8)(i) to align with the federal reorganization. Under the GIR, U.S. EPA requires a large quantity generator to perform one of two waste accumulation unit closure notification options, which California does not require. Therefore, the proposed regulations include the mandatory requirements to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(8)(A)1. Add the new notification option requirement from 40 CFR section 262.17(a)(8)(i)(A) to align with the federal reorganization. This section specifies the option for a large quantity generator to place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility, which was added under the GIR. This is one of two options a large quantity generator may select to comply with the new waste accumulation unit closure notification requirement. The California hazardous waste program does not have this requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(8)(A)2. Add the new notification option requirement from 40 CFR section 262.17(a)(8)(i)(B) to align with the federal reorganization. This section specifies the option for a large quantity generator to meet closure standards and notify DTSC following the procedures for Form 8700-12. The generator may remove the notice from the operating record if the waste accumulation unit is reopened. This is one of two options a large quantity generator may select to comply with the new waste accumulation unit closure notification requirement. The California hazardous waste program does not have this requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(8)(B). Add the subtitle “Notification for closure of the facility” to duplicate the subtitle in 40 CFR section 262.17(a)(8)(ii) to align with the federal reorganization.

Section 66262.17(a)(8)(B)1. Add the new notification requirement from 40 CFR section 262.17(a)(8)(ii)(A) to align with the federal reorganization. The GIR now requires a large quantity generator of RCRA hazardous waste to notify DTSC using form 8700-12 no later than 30 days prior to closing the facility, which California does not require.

Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159. The proposed regulations replace the organization name “US EPA” with “Department”, because U.S. EPA delegated authority to DTSC to oversee the hazardous waste management program in California. This requirement applies only to large quantity generators of RCRA hazardous waste, so language is added to ensure the more stringent requirement is not applied to large quantity generators of non-RCRA hazardous waste.

Section 66262.17(a)(8)(B)2. Add the new notification requirement from 40 CFR section 262.17(a)(8)(ii)(B) to align with the federal reorganization. The GIR now requires a large quantity generator of RCRA hazardous waste to notify DTSC using form 8700-12 within 90 days of closing their facility. In addition, it clarifies that generators that are unable to meet closure performance requirements must close as a landfill. The proposed regulations replace the organization name “US EPA” with “Department” because U.S. EPA delegated authority to DTSC to oversee the hazardous waste management program in California. Additionally, the proposed regulations replace federal references with analogous California references. The California hazardous waste program does not have this more stringent federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159. This requirement applies only to large quantity generators of RCRA hazardous waste, so language is added to ensure the more stringent requirement is not applied to generators of non-RCRA hazardous waste.

Section 66262.17(a)(8)(B)3. Add the new notification requirement from 40 CFR section 262.17(a)(8)(ii)(C) to align with the federal reorganization. The GIR now allows large quantity generators to request an extension to meet the closure performance standards in proposed section 66262.17(a)(8)(B)1. The proposed regulations replace federal references with the analogous California references. The California hazardous waste program does not have this more stringent federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159. This requirement applies only to large quantity generators of RCRA hazardous waste, so language is added to ensure the more stringent requirement is not applied to generators of non-RCRA hazardous waste.

Section 66262.17(a)(8)(C). Add the subtitle “Closure performance standards for container, tank systems, and containment building accumulation units” to duplicate the subtitle at 40 CFR section 262.17(a)(8)(iii) to align with the federal reorganization. Existing section 66262.34(a)(1)(A) cross-references the closure requirements for tank systems and containment buildings in sections 66265.197 and 66265.1102, respectively, are being retained, restructured, and relocated to this new subsection. However, the GIR applied these closure performance standards to containers, which

are not covered by the California regulations. Therefore, federal regulations are more stringent than the current California regulations and must be adopted to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(8)(C)1. Duplicate the closure requirement in 40 CFR, section 262.17(a)(8)(iii)(A) to align with the federal reorganization. Existing section 66262.34(a)(1)(A) that cross-references the closure requirement in section 66265.111 is being retained, restructured, and relocated to this new subsection. The GIR applied these closure performance standards to containers, which are not covered by the California regulations. Therefore, the proposed regulations include this requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(8)(C)1.a. Duplicate the closure requirement in 40 CFR, section 262.17(a)(8)(iii)(A)1 to align with the federal reorganization. Existing section 66262.34(a)(1)(A) that cross-references the closure requirement in section 66265.111(a) and (b) is being retained, restructured, and relocated to this new subsection. The GIR applied these closure performance standards to containers, which are not covered by the California regulations. Therefore, the proposed regulations include this requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(8)(C)1.b. Duplicate the closure requirement in 40 CFR, section 262.17(a)(8)(iii)(A)2 to align with the federal reorganization. Existing section 66262.34(a)(1)(A) that cross-references the closure requirement in section 66265.114 is being retained, restructured, and relocated to this new subsection. The proposed regulations replace federal references with analogous California references. The GIR applied these closure performance standards to containers, which are not covered by the California regulations. Therefore, the proposed regulations include this requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(8)(C)1.c. Duplicate the closure requirement in 40 CFR, section 262.17(a)(8)(iii)(A)3 to align with the federal reorganization. Existing section 66262.34(a)(1)(A) that cross-references the closure requirement in section 66265.114 is being retained, restructured, and relocated to this new subsection. The proposed regulations replace federal references with the analogous California references. Additionally, the proposed regulations do not include the federal term “RCRA Subtitle C” in front of “hazardous waste permitted transfer, treatment, storage and disposal facility or interim status facility.” Because California is an authorized state, its regulations do not refer to these facilities as “RCRA Subtitle C,” but simply as transfer, treatment, storage and disposal facilities or interim status facilities. The GIR applied these closure performance standards to containers, which are not covered by the California

regulations. Therefore, the proposed regulations include this requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(8)(C)1.d. Duplicate the closure requirements in 40 CFR, section 262.17(a)(8)(iii)(A)4 to align with the federal reorganization. The existing requirements in section 66262.34(a)(1)(A) that cross-references section 66265.111(c) that cross-references the closure requirements in sections 66265.197 and 66265.1102 are being retained, restructured, and relocated to this new subsection. The proposed regulations replace federal references with the analogous California references. The GIR applied these closure performance standards to containers, which are not covered by the California regulations. Therefore, the proposed regulations include these requirements to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(8)(D). Add the subtitle “Closure performance standards for drip pad waste accumulation units” to duplicate the subtitle and the closure requirements in 40 CFR section 262.17(a)(8)(iv) to align with the federal reorganization. Existing section 66262.34(a)(1)(B) that cross-references article 17.5 of chapter 15 contains the closure requirements in section 66265.445 are being retained, restructured, and relocated to this new subsection. The proposed regulations replace federal references with the analogous California references. Under the GIR, drip pads are subject to the same closure requirements, including the new GIR closure notification requirements, applicable to containers, tanks, and containment buildings. The existing California requirements only subject drip pads to closure requirements in section 66265.445. The federal closure requirements are more stringent than California’s hazardous waste program. Therefore, the proposed regulations include these requirements to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(a)(8)(E). Duplicate the closure requirement in 40 CFR, section 262.17(a)(8) to align with the federal reorganization. The existing section 66262.34(a)(1)(A) that cross-references the closure requirements in sections 66265.111 and 66265.114 do not apply to satellite accumulation areas, but the existing requirements do not explicitly state that. Therefore, the proposed regulations include the federal requirement for clarification.

Section 66262.17(a)(9). Add the subtitle “Land disposal restrictions” to duplicate the federal subtitle and duplicate the requirement in 40 CFR section 262.17(a)(9) for a generator to comply with land disposal restrictions in chapter 18 to align with the federal reorganization. This is an existing California requirement in section 66262.34(a)(4) that cross-references the land disposal restriction requirements in section 66268.7(a)(5). The proposed regulations replace the CFR section references with the analogous California references. Under the GIR, federal requirements were updated so that large

quantity generators are subject to all applicable land disposal restrictions in 40 CFR part 268, not just section 66268.7(a)(5) as identified in California's requirements. Therefore, the proposed regulations include these requirements to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.17(b). Add the subtitle "Accumulation time limit extension" to duplicate the federal subtitle and duplicate the accumulation time limit extension requirements in 40 CFR section 262.17(b) to align with the federal reorganization. The existing accumulation time limit extension requirements in section 66262.34(c) are being retained, restructured, and relocated to this new section. There is no new requirement being added with the relocation of this existing standard.

The proposed regulations replace federal references "40 CFR parts 124, 264 through 268, and part 270" with analogous California references "chapters 14, 15, 18, and 20" to ensure that existing California requirements are maintained. The proposed regulations do not include a corresponding state reference to CFR part 267 (standards for owners and operators of hazardous waste facilities operating under a standardized permit) because analogous California provisions exist in chapter 20 regarding standardized permits. Additionally, the proposed regulations include the requirement that an "extension may be granted pursuant to section 66262.35 if non-RCRA or RCRA-exempt hazardous wastes shall remain on site for longer than 90 days" to retain and relocate existing California requirements.

Section 66262.17(c). Add the subtitle "Rejected load" to duplicate the federal subtitle and duplicate the rejected loads requirements in 40 CFR section 262.17(g) to align with the federal reorganization. The existing rejected loads requirements in section 66262.34(g) are being retained, restructured, and relocated to this new section. The federal requirements are more concise and easier to understand than the existing California requirements, but there is no new requirement being added with the relocation of this existing standard. The proposed regulations replace federal references with analogous California references.

Section 66262.17(c)(1). Duplicate the manifest requirement in 40 CFR section 262.17(g)(1) to align with the federal reorganization. The existing manifest requirement in section 66262.34(g)(1) is being retained and relocated to this new section. There is no new requirement being added with the relocation of this existing standard.

Section 66262.17(c)(2). Duplicate the manifest requirement in 40 CFR section 262.17(g)(2) to align with the federal reorganization. The existing manifest requirement in section 66262.34(g)(2) is being retained and relocated to this new section. There is no new requirement being added with the relocation of this existing standard.

Section 66262.17(c)(3). Retain and relocate the California manifest requirement in section 66262.34(g)(3) to this new subsection to align with the federal reorganization.

This section specifies the manifest submittal requirements for a large quantity generator that received a rejected load. This is a California specific requirement proposed to be relocated to this new subsection because this rulemaking proposes to repeal section 66262.34 and relocate its requirements.

Section 66262.17(d). Retain and relocate the California labeling and marking requirement for rejected loads in section 66262.34(h) to this new subsection to align with the federal reorganization. This section specifies that a large quantity generator must label or mark rejected hazardous waste with an indication that it was rejected and the date it was received by the generator. Additionally, applicable accumulation time limits apply to commingled hazardous waste. This is a California specific requirement proposed to be relocated to this new subsection because this rulemaking proposes to repeal section 66262.34 and relocate its requirements.

Section 66262.17(e). Retain and relocate the requirement for determining the beginning of the large quantity generator accumulation time period (i.e., when the clock starts) in section 66262.34(b) to align with the regulatory reorganization. This requirement is restructured to incorporate only the large quantity generator criteria for beginning the 90-day accumulation time period. This is a California specific requirement proposed to be relocated to this new subsection because this rulemaking proposes to repeal section 66262.34 and relocate its requirements.

Add Section 66262.18. Identification Numbers and Re-Notification for Small Quantity Generators and for Large Quantity Generators.

This is a new section being added under the proposed rulemaking to align with the federal reorganization of generator standards. The identification requirements in 40 CFR section 262.12 were relocated by the GIR to 40 CFR section 262.18 and 40 CFR section 262.12 was repealed. This rulemaking parallels the reorganization of the GIR for identification requirements by relocating the requirements from section 66262.12 to proposed section 66262.18 and repeal section 66262.12. There are also new identification and re-notification requirements that are more stringent than existing California requirements that are included in this proposed section to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159. The relocation of state regulations to other sections is necessary to maintain consistency with the organization adopted by U.S. EPA in the corresponding federal regulations in CFR. These relocations make hazardous waste requirements easier to find and follow. Therefore, generators may comply more effectively with hazardous waste requirements.

Section 66262.18. Add the title “Identification Numbers and Re-Notification for Small Quantity Generators and for Large Quantity Generators” to align with corresponding federal title in 40 CFR section 262.18.

Section 66262.18(a). Retain and relocate the requirement in section 66262.12(a) to align with the federal reorganization. This section specifies that a generator must not perform hazardous waste activities without receiving a U.S. EPA Identification Number from DTSC. The proposed regulations add the organization "U.S. EPA" to clarify that the number is a U.S. EPA identification number. The proposed regulations clarify the identification number is received from the "Department." Additionally, the proposed regulations replace the reference "subsection (e)" with the proposed "subsection (f)" because the proposed regulations relocated the requirement in section 66262.12(e) to proposed section 66262.18(f). There is no new requirement being added with the relocation of this standard.

Section 66262.18(b). Retain and relocate the requirement in section 66262.12(b) to align with the federal reorganization. This section specifies that a generator who does not have a U.S. EPA Identification Number must apply for one from DTSC. The proposed regulations add the organization "U.S. EPA" to clarify that the number is a U.S. EPA identification number, and the application form is a U.S. EPA form 8700-12. Additionally, the proposed regulations restructure the language regarding the receipt of an identification number to align with the more concise federal language in 40 CFR section 262.18(b). The proposed regulations add the clarification that the "Department" will assign an identification number to a generator. There is no new requirement being added with the relocation of this standard.

Section 66262.18(c). Retain and relocate the requirement in section 66262.12(c) to align with the federal reorganization. This section specifies that a generator must not offer its hazardous waste to transporters or to transfer, treatment, storage or disposal facilities that do not have a U.S. EPA Identification Number. The proposed regulations add the organization "U.S. EPA" to clarify that the number is a U.S. EPA identification number. There is no new requirement being added with the relocation of this standard.

Section 66262.18(d). Add the subtitle "Re-notification" to duplicate the subtitle in 40 CFR section 262.18(d) to align with the federal reorganization.

Section 66262.18(d)(1). Add a new requirement for a small quantity generator to renotify DTSC every four years using Form 8700-12 to align with the more stringent requirement in 40 CFR section 262.18(d)(1). This is a mandatory requirement added by the GIR that applies only to small quantity generators of RCRA hazardous waste, so language is added to ensure the more stringent requirement is not applied to generators of non-RCRA hazardous waste. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159. The proposed regulations replace the year "2021" from the federal regulations with the year "2023" to align with the year the proposed regulations are expected to become effective.

Section 66262.18(d)(2). Add a new requirement for a large quantity generator to renotify DTSC by March 1 of each even-numbered year using Form 8700-12 to align with the more stringent requirement in 40 CFR section 262.18(d)(2). This is a mandatory requirement added by the GIR that applies only to large quantity generators of RCRA hazardous waste, so language is added to ensure the more stringent requirement is not applied to generators of non-RCRA hazardous waste. The federal reference “§ 262.41” regarding the biennial report is replaced in the proposed regulations with the corresponding state reference “section 66262.41” to ensure that a large quantity generator complies with state biennial report requirements. The California hazardous waste program does not have this more stringent federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.18(e). Retain and relocate the requirement in section 66262.12(d) that a recognized trader must not arrange for import or export of hazardous waste without having an identification number. This aligns with the federal reorganization. There is no new requirement being added with the relocation of this standard.

Section 66262.18(f). Retain and relocate the California requirement in section 66262.12(e) that provides an identification number requirement exception for generators of waste that is hazardous only because of the presence of silver. This is a California specific requirement proposed to be relocated to this new subsection because this rulemaking proposes to repeal section 66262.12 and relocate its requirements.

Amend Article 3 of Chapter 12

Amend Section 66262.32. Marking

The relocation of state regulations in this section is necessary to maintain consistency with the organization adopted by U.S. EPA in the corresponding federal regulations in CFR. These relocations make hazardous waste requirements easier to find and follow. Additionally, the GIR added a new federal marking requirement in 40 CFR section 262.32 that is included in the proposed regulations.

The restructure of regulation text also maintains existing state requirements and updates and removes obsolete references and dates. These changes are beneficial because they will reduce confusion and improve the readability of the regulation text. Therefore, generators may comply more effectively with hazardous waste requirements.

Section 66262.32(b). Existing regulations do not have any requirements for this specific subsection because the requirements were included in existing subsection (b)(1). Because existing subsection (b)(1) is proposed to be repealed (see explanation in the next description), existing requirements in subsection (b)(2) are relocated to subsection

(b) in the proposed regulations. In addition, the proposed regulations remove effective date language “on and after September 5, 2006” because it is no longer needed since the date has passed and the requirement is currently in effect. The portion of the marking requirement in existing subsection (b)(2) regarding the prohibition of improper disposal of hazardous waste is relocated in the proposed regulations to new proposed subsection (b)(1) to align with the federal reorganization in the analogous 40 CFR section 262.32(b).

Section 66262.32(b)(1). The existing language in (b)(1) is being repealed because the existing requirement is no longer applicable since the effective date has passed. Additionally, existing requirements regarding marking for containers prior to transportation were captured in the existing (b)(2) and were not individually numbered with their own subsection, as U.S. EPA has done in the GIR. Therefore, the portion of the marking requirement in existing subsection (b)(2) regarding the prohibition of improper disposal of hazardous waste is relocated in the proposed regulations to this amended subsection to align with the federal reorganization. There is no new requirement being added with the relocation of this standard.

Section 66262.32(b)(2). The existing requirements in this section are being relocated to subsection (b) of this section. Additionally, existing requirements regarding marking for containers prior to transportation were captured in the existing (b)(2) and were not individually numbered with their own subsection, as U.S. EPA has done in the GIR. The marking requirement in existing subsection (b)(2) regarding the prohibition of improper disposal of hazardous waste is relocated in the proposed regulations to amended section 66262.32(b)(1) to align with the federal reorganization.

The portion of the marking requirement in existing subsection (b)(2) that requires a generator to mark each container with the generator’s name and address is relocated in the proposed regulations to this amended subsection to align with the federal reorganization. There is no new requirement being added with the relocation of this standard.

Section 66262.32(b)(3). Relocate the portion of the marking requirement that requires a generator to mark each container with the generator’s EPA identification number in existing section 66262.32(b)(2) to this new subsection. Existing requirements regarding marking for containers prior to transportation were captured in the existing (b)(2) and were not individually numbered with their own subsection, as U.S. EPA has done in the GIR. There is no new requirement being added with the relocation of this standard.

Section 66262.32(b)(4). Relocate the portion of the marking requirement that requires a generator to mark each container with the manifest tracking number in existing section 66262.32(b)(2) to this new subsection. Existing requirements regarding marking for containers prior to transportation were captured in the existing (b)(2) and were not

individually numbered with their own subsection, as U.S. EPA has done in the GIR. There is no new requirement being added with the relocation of this standard.

Section 66262.32(b)(5). Add a new marking requirement from 40 CFR section 262.32(b)(5) to this new subsection to align with the federal reorganization. Under the GIR, U.S. EPA added a new marking requirement that requires a generator to mark each container with the “U.S. EPA Hazardous Waste Number(s).” The California hazardous waste program does not have this more stringent federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Repeal Section 66262.34. Accumulation Time.

To align with federal requirements, the proposed regulations relocate all the requirements of section 66262.34 to proposed sections 66262.13, 66262.15, 66262.16, or 66262.17, and proposed article 9 of chapter 12 and repeal section 66262.34. Grouping the generator regulations into similar, discrete subject matter sections makes the hazardous waste requirements easier for generators to find and comply with.

Amend Section 66262.35. Extension(s) to Accumulation Time

This section is amended to make grammatical changes to align with the California Style Manual and to update requirement references because the proposed regulations relocate referenced requirements to new sections. All of these amendments are considered nonsubstantive and do not have a regulatory effect.

Section 66262.35(a). These amendments replace existing references that will become obsolete when the proposed regulations in this rulemaking are adopted. The proposed regulations replace the referenced “section 66262.34(a) or (d)” with new references “section 66262.16(b) or 66262.17(a)” that contain the relocated accumulation time requirements. Referenced section 66262.34(a) and (d) are moved to sections 66262.16(b) and 66262.17(a) under the proposed reorganization. There is no new requirement being added with the amendment of this standard.

Section 66262.35(a)(1). These amendments replace references that will become obsolete when the proposed regulations in this rulemaking are adopted. The proposed regulations replace the referenced “section 66262.34(a) or (d)” with new references “section 66262.16(b) or 66262.17(a)” that contain the relocated accumulation time requirements. Referenced section 66262.34(a) and (d) are moved to sections 66262.16(b) and 66262.17(a) under the proposed reorganization. There is no new requirement being added with the amendment of this standard.

Section 66262.35(a)(1)(A). These amendments replace references that will become obsolete when the proposed regulations in this rulemaking are adopted. The proposed

regulations replace the referenced “section 66262.34(a) or (d)” with new references “section 66262.16(b) or 66262.17(a)” that contain the relocated accumulation time requirements. Referenced section 66262.34(a) and (d) are moved to sections 66262.16(b) and 66262.17(a) under the proposed reorganization. There is no new requirement being added with the amendment of this standard.

Section 66262.35(a)(1)(A)1.c. Delete the language “Title 22, CCR, chapter 15, article 10” and add the language “of this division” at the end of the requirement to align with the California Style Manual. There is no new requirement being added with the amendment of this standard.

Section 66262.35(a)(1)(A)1.d. Delete the language “Title 22, CCR, chapter 15, article 9” and add the language “of this division” at the end of the requirement before the word “and” to align with the California Style Manual. There is no new requirement being added with the amendment of this standard.

Section 66262.35(a)(1)(A)1.e. Delete the language “Title 22, CCR, chapter 15, article 17.5” and add the language “of this division” at the end of the requirement before the word “and” to align with the California Style Manual. There is no new requirement being added with the amendment of this standard.

Section 66262.35(a)(1)(A)1.f. Delete the language “Title 22, CCR, chapter 15, article 29” and add the language “of this division” at the end of the requirement before the word “and” to align with the California Style Manual. There is no new requirement being added with the amendment of this standard.

Section 66262.35(a)(1)(A)4. These amendments replace references that will become obsolete when the proposed regulations in this rulemaking are adopted. The proposed regulations replace the referenced “section 66262.34(a) or (d)” with new references “section 66262.16(b) or 66262.17(a)” that contain the relocated accumulation time requirements. Referenced section 66262.34(a) and (d) are moved to sections 66262.16(b) and 66262.17(a) under the proposed reorganization. There is no new requirement being added with the amendment of this standard.

Section 66262.35(a)(2)(A). These amendments replace references that will become obsolete when the proposed regulations in this rulemaking are adopted. The proposed regulations replace the referenced “section 66262.34(a) or (d)” with new references “section 66262.16(b) or 66262.17(a)” that contain the relocated accumulation time requirements. Referenced section 66262.34(a) and (d) are moved to sections 66262.16(b) and 66262.17(a) under the proposed reorganization. There is no new requirement being added with the amendment of this standard.

Section 66262.35(a)(2)(C)5. These amendments replace references that will become obsolete when the proposed regulations in this rulemaking are adopted. The proposed

regulations replace the referenced “section 66262.34(a) or (d)” with new references “section 66262.16(b) or 66262.17(a)” that contain the relocated accumulation time requirements. Referenced section 66262.34(a) and (d) are moved to sections 66262.16(b) and 66262.17(a) under the proposed reorganization. There is no new requirement being added with the amendment of this standard.

Amend Section 66262.41. Biennial Report.

Section 66262.41. Amend the title to specify that a biennial report is for large quantity generators to maintain consistency with the analogous federal title in 40 CFR section 262.41. There is no new requirement being added with the amendment of this title.

Section 66262.41(b). Amend the biennial report requirement to specify that the generator required to submit a biennial report was a large quantity generator for at least one month of an odd-numbered year. Additionally, the proposed regulations replace the language “prepare” with the word “complete.” These changes align with the more easily understood language in the corresponding federal biennial report requirement in 40 CFR section 262.41(a).

Section 66262.41(c). Amend the biennial report requirement to relocate the portion of the requirement regarding the reporting for exports to subsection (d) to align with the federal reorganization. Additionally, the proposed regulations add the language “complete and” to clarify that the generator must complete the annual report before submission. The proposed regulations revise the referenced chapter order so that the numbers are in the proper ascending order. These changes align with the more easily understood language in the corresponding federal biennial report requirement in 40 CFR section 262.41(b).

Section 66262.41(d). The existing requirement in subsection (d) regarding additional waste information is relocated to new subsection (e) and the reporting for exports requirement in 40 CFR section 262.41(c) is duplicated in this subsection to align with the federal organization. This subsection specifies that exports of hazardous waste to foreign countries are not required to be reported on the biennial report. However, there is an annual report requirement for these exports. The existing exports requirement in section 66262.41(c) is being retained, restructured, and relocated to this new subsection to align with the federal organization.

Section 66262.41(e). The existing requirement in subsection (d) regarding additional waste information is relocated to this new subsection because the export reporting requirement is proposed to be relocated to subsection (d). There is no new requirement being added with the renumbering of this requirement.

Add Article 9, Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators, to Chapter 12

This is a new article. It parallels the federal reorganization for preparedness, prevention, and emergency procedures for large quantity generators. The federal reorganization duplicated the requirements in subparts C and D in 40 CFR part 265 and added them to a newly created subpart M in 40 CFR part 262. Please note that 40 CFR part 262 in the federal regulations corresponds to 22 CCR chapter 12 in the California regulations. Both the federal part 262 and 22 CCR chapter 12 contain standards applicable to generators of hazardous waste.

Part 265, and California’s analogous chapter 15, address interim status standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities, including standards applicable to large quantity generators. U.S. EPA duplicated and reorganized the standards that are specifically applicable to large quantity generators in the new 40 CFR 262, subpart M.

By relocating the preparedness, prevention, and emergency procedures, the regulations are more user-friendly because the requirements applicable to generators are all located in one place. Under federal requirements prior to the adoption of the GIR, the preparedness, prevention, and emergency procedures for large quantity generators were found in 40 CFR section 262.34(a)(4), which cross-referenced the preparedness, prevention, and emergency procedures in 40 CFR, part 265, subparts C and D. The analogous California preparedness, prevention, and emergency procedures requirements for large quantity generators are cross-referenced in section 66262.34(a)(4) and are found in articles 3 and 4 of chapter 15 of this division. Large quantity generators must currently meet the requirements referenced in section 66262.34(a)(4).

The proposed regulations will duplicate the requirements in 40 CFR part 262, subpart M in the proposed article 9 of chapter 12 to align with the federal reorganization. Many of the existing California preparedness, prevention, and emergency procedure requirements applicable to large quantity generators parallel the federal requirements adopted in the GIR. However, the GIR added more stringent requirements that will also be included in the proposed regulations.

Table D: Crosswalk of Previous Citations to New Citation in proposed title 22, California Code of Regulations for Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators

Regulation	Old CFR Citation	New CFR Citation	Old CCR Citation	New CCR Citation
<i>Preparedness and prevention</i>	265 Subpart C	262 Subpart M	Chapter 15, Article 3	Chapter 12, Article 9

Regulation	Old CFR Citation	New CFR Citation	Old CCR Citation	New CCR Citation
<i>Applicability</i>	265.30 and 265.50	262.250	66265.30 and 66265.50 from 66262.34(a)(4)	66262.250
<i>Maintenance and operation of facility</i>	265.31	262.251	66265.31 from 66262.34(a)(4)	66262.251
<i>Required equipment</i>	265.32	262.252	66265.32 from 66262.34(a)(4)	66262.252
<i>Testing and maintenance of equipment</i>	265.33	262.253	66265.33 from 66262.34(a)(4)	66262.253
<i>Access to communications or alarm system</i>	265.34	262.254	66265.34 from 66262.34(a)(4)	66262.254
<i>Required aisle space</i>	265.35	262.255	66265.35 from 66262.34(a)(4)	66262.255
<i>Arrangements with local authorities</i>	265.37	262.256	66265.37 from 66262.34(a)(4)	66262.256

Add Section 66262.250. Applicability.

Add this new section and duplicate the title “Applicability” and the applicability requirement in 40 CFR section 262.250 to align with the federal reorganization.

The GIR updated the federal regulations to clarify that preparedness, prevention, and emergency procedures requirements apply to all areas where hazardous waste is generated or accumulated onsite by a large quantity generator. The existing California requirement in section 66262.34(a)(4) cross-references article 3 of chapter 15 that includes the requirement in section 66265.30 applies to the generator of all hazardous waste facilities. The federal regulations are clearer about the applicability of the preparedness, prevention, and emergency procedures regulations. Therefore, the proposed regulations duplicate the federal language to improve clarity and to maintain consistency with the federal hazardous waste program.

Add Section 66262.251. Maintenance and Operation of Facility.

Add new section and duplicate the title “Maintenance and Operation of Facility” and the maintenance and operation requirement in 40 CFR section 262.251 to align with the federal reorganization. This section specifies that a large quantity generator must maintain and operate its facility to minimize possibility of a dangerous event including the release of hazardous waste into the environment. The existing California requirement in section 66262.34(a)(4) cross-references to article 3 of chapter 15 that

includes the section 66265.31 maintenance and operation requirement, is being retained, restructured, and relocated to this new section.

Add Section 66262.252. Required Equipment.

Section 66262.252. Add new section and duplicate the title “Required Equipment” and the equipment requirement in 40 CFR section 262.252 to align with the federal reorganization. This requirement is more stringent than the existing California requirement.

The GIR updated the federal regulations so now all areas deemed applicable by 40 CFR section 262.250 are required to be equipped with specific items. Existing California requirement in section 66262.34(a)(4) cross-references article 3 of chapter 15, that includes the section 66265.32 equipment requirement, only requires a facility itself to be equipped with the items, instead of specifically in areas where a large quantity generator is generating or accumulating hazardous waste onsite. Therefore, the proposed regulations include the more stringent requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159. The proposed regulations do not include the federal option allowing the large quantity generator to determine the most appropriate location within its facility to location required equipment.

Section 66262.252(a). Duplicate the equipment requirement in 40 CFR, section 262.252(a) to align with the federal reorganization. This section specifies that all applicable areas must be equipped with a communications or alarm system capable of providing emergency instruction to facility personnel. The existing California requirement in section 66262.34(a)(4) cross-references article 3 of chapter 15, that includes the analogous equipment requirement in section 66265.32(a), is being retained and relocated to this new subsection. There is no new requirement being added with this addition.

Section 66262.252(b). Duplicate the equipment requirement in 40 CFR, section 262.252(b) to align with the federal reorganization. This section specifies that all applicable areas must be equipped with a device capable of summoning emergency assistance. The existing California requirement in section 66262.34(a)(4) cross-references article 3 of chapter 15, that includes the analogous equipment requirement in section 66265.32(b), is being retained and relocated to this new subsection. There is no new requirement being added with this addition.

Section 66262.252(c). Duplicate the equipment requirement in 40 CFR, section 262.252(c) to align with the federal reorganization. This section specifies that all applicable areas must be equipped for addressing fires, spills, and contamination at the facility. The existing California requirement in section 66262.34(a)(4) cross-references article 3 of chapter 15, that includes the analogous equipment requirement in section

66265.32(c), is being retained and relocated to this new subsection. There is no new requirement being added with this addition.

Section 66262.252(d). Duplicate the equipment requirement in 40 CFR, section 262.252(d) to align with the federal reorganization. This section specifies that all applicable areas must be equipped with adequate water, water systems, or foam producing equipment. The existing California requirement in section 66262.34(a)(4) cross-references article 3 of chapter 15, that includes the analogous equipment requirement in section 66265.32(d), is being retained and relocated to this new subsection. There is no new requirement being added with this addition.

Add Section 66262.253. Testing and Maintenance of Equipment.

Add new section and duplicate the title “Testing and Maintenance of Equipment.” Duplicate the testing and maintenance requirement from existing section 66262.34(a)(4) that cross-references article 3 of chapter 15 that includes the requirement in section 66265.33 to this new section to align with federal reorganization. This section specifies that emergency equipment must be tested and maintained to ensure proper operation. There is no new requirement being added with this addition.

Add Section 66262.254. Access to Communications or Alarm System.

Section 66262.254. Add new section and duplicate the title “Access to Communications or Alarm System” from existing section 66262.34(a)(4) to this new section to align with the federal reorganization. There is no new requirement being added with this addition.

Section 66262.254(a). Duplicate the access to communications or alarm systems requirement from existing section 66262.34(a)(4) to this new section to align with federal reorganization. The proposed regulations replace the existing required equipment reference to “section 66265.32” in 66265.34(a) with the proposed reference to “section 66262.252.”. The proposed regulations add the parenthetical “(e.g., direct or unimpeded access)” to align with the analogous federal requirement in 40 CFR 262.254(a). There is no new requirement being added with this addition.

Section 66262.254(b). Duplicate the access to communications or alarm systems requirement from existing section 66262.34(a)(4) in this new section to align with federal reorganization. The proposed regulations replace existing required equipment reference to “section 66265.32” in 66265.34(b) with the proposed reference to “section 66262.252” that includes the required equipment requirements. Additionally, the proposed regulations replace the existing language “If there is ever” with the language “In the event there is” from the analogous federal requirement in 40 CFR section 262.254(b) to maintain consistency with the federal language. The proposed regulations add the parenthetical “(e.g., direct or unimpeded access)” to align with the analogous

federal requirement in 40 CFR 262.254(a). There is no new requirement being added with this addition.

Add Section 66262.255. Required Aisle Space.

Add new section titled “Required Aisle Space” and duplicate the aisle space requirement from existing section 66262.34(a)(4) in this new section to align with federal reorganization. The proposed regulations replace the existing language “owner or operator” with the proposed language “large quantity generator” because the requirement is for large quantity generators, not owners or operators. There is no new requirement being added with this addition.

Add Section 66262.256. Arrangements with Local Authorities.

Section 66262.256. Add new section titled “Arrangements with Local Authorities” to duplicate the title in 40 CFR section 262.256 to align with the federal reorganization.

Section 66262.256(a). Duplicate the requirement to make arrangements with local authorities in 40 CFR section 262.256(a) to align with the federal reorganization. This requirement is more stringent than the existing California requirement because the federal regulations require a generator to account for the “quantities of hazardous wastes handled at the facility” when attempting to make arrangements with local authorities. The existing California requirement is very similar to the federal requirement but does not require the same accountability. Therefore, the proposed regulations include the mandatory requirements to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.256(a)(1). Duplicate the requirement to make arrangements with local authorities in 40 CFR section 262.256(a)(1) to align with the federal reorganization. This requirement is more stringent than the existing California requirement because the federal regulations require the generator to “determine” the need for the services of different emergency response organizations while attempting to make arrangements with the local fire department. The existing California requirement is similar but does not specifically require the large quantity generator to determine the potential need for the services of the emergency response organizations. Therefore, the proposed regulations include the mandatory requirements to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.256(a)(2). Duplicate the requirement to make arrangements with local authorities in 40 CFR section 262.256(a)(2) to align with the federal reorganization. This requirement is more stringent than the existing California requirement because the federal regulations expand the number of organizations a generator must familiarize with facility and hazardous waste information.

The GIR updated the federal regulations so that it now requires the generator to familiarize six organizations (i.e. the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals) rather than just three organizations (i.e. the local police department, fire department, and emergency response teams), as is required by California, with all of the following facility information: “layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes.” Additionally, the federal regulations now require the generator to familiarize six organizations rather than just one (i.e., local hospitals), as is required by California, on the “types of injuries or illnesses that could result from fires, explosions, or releases at the facility.” Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.256(a)(3). Duplicate the requirement to make arrangements with local authorities in 40 CFR section 262.256(a)(3) to align with the federal reorganization. This requirement is more stringent than the existing California requirement because the federal regulations require the generator to make arrangements designating a police or fire department as having primary emergency authority. Designating one department with primary emergency authority alleviates confusion about which department has primary authority. The existing California regulations require a generator to make agreements designating primary emergency authority to two departments, a police department and fire department. Therefore, the proposed regulations include the mandatory requirements to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.256(b). Duplicate the documentation requirement that specifies that a large quantity generator must maintain records documenting arrangements or the attempt to make arrangements with emergency response organizations in 40 CFR section 262.256(b) to align with the federal reorganization. This requirement is more stringent than California’s existing hazardous waste program because California does not have an equivalent requirement.

Section 66262.256(c). This is a new section that duplicates the existing documentation requirement in section 66265.37(b) for the purpose of reorganization. This section specifies that a large quantity generator must document the refusal of authorities that decline to enter an arrangement. There is no new requirement being added with this addition.

Add Section 66262.260. Purpose and Implementation of Contingency Plan.

Section 66262.260. Add new section titled “Purpose and Implementation of Contingency Plan” in 40 CFR section 262.260 to align with the federal reorganization.

Section 66262.260(a). Duplicate the contingency plan requirement in 40 CFR section 262.260(a) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) cross-references the contingency plan requirement that is being retained, restructured, and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.260(b). Duplicate the contingency plan requirement in 40 CFR section 262.260(b) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) cross-references the contingency plan requirement that is being retained, restructured, and relocated to this new section. There is no new requirement being added with this addition.

Add Section 66262.261. Content of Contingency Plan.

Section 66262.261. Add new section titled “Content of Contingency Plan” to duplicate the title in 40 CFR section 262.261 to align with the federal reorganization.

Section 66262.261(a). Duplicate the contingency plan requirement in 40 CFR section 262.261(a) to align with the federal reorganization. The existing California requirement in section 66262.34(a)(4) cross-references the contingency plan requirement that is being retained, restructured, and relocated to this new section. The proposed regulations replace federal references “§§ 262.260 and 262.265” with analogous California references “sections 66262.260 and 66262.265” to ensure that existing California requirements are maintained. There is no new requirement being added with this addition.

Section 66262.261(b). Duplicate the contingency plan requirement in 40 CFR section 262.261(b) to align with the federal reorganization. The existing California requirement in section 66262.34(a)(4) cross-references the contingency plan requirement that is being retained, restructured, and relocated to this new section. The proposed regulations do not include the nonprescriptive federal option language in 262.261(b) that a generator may develop one contingency plan that meets all regulatory standards, nor do they include the U.S. EPA recommendation for such a plan. The existing contingency plan requirement does not prevent a generator from exercising the federal option. Therefore, the clarifying federal option language is omitted. The proposed regulations also do not retain the reference in 66265.52(b) to Spill Prevention Control Countermeasures plans prepared in accordance with 40 CFR part 1510 as this part no longer exists in federal regulations and has been removed from the federal requirement. There is no new requirement being added with this addition.

Section 66262.261(c). Duplicate the contingency plan requirement in 40 CFR section 262.261(c) to align with the federal reorganization. This requirement is more stringent than the existing California requirement because the federal regulations require the large quantity generator’s plan to describe arrangements agreed to with equipment

suppliers in addition to the other emergency organizations. Additionally, the federal regulations are broader in scope because it requires the generator's plan to describe arrangements with "other" emergency response teams, not just state and local emergency response teams as required by the corresponding California requirement. Therefore, the proposed regulations include these requirements to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159. The proposed regulations replace federal reference "§ 262.256" with analogous California reference "section 66262.256" to ensure that existing California requirements are maintained.

Section 66262.261(d). Duplicate the contingency plan requirement in 40 CFR section 262.261(d) to align with the federal reorganization. The proposed regulations replace federal reference "§ 262.264" with analogous California reference "section 66262.264" to ensure that existing California requirements are maintained.

Section 66262.261(e). Duplicate the contingency plan requirement in 40 CFR section 262.261(e) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) cross-references the contingency plan requirement that is being retained, restructured, and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.261(f). Duplicate the contingency plan requirement in 40 CFR section 262.261(f) to align with the federal reorganization. The existing California requirement in section 66262.34(a)(4) cross-references the contingency plan requirement that is being retained, restructured, and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.261(g). Retain and relocate the California contingency plan requirement in section 66262.34(a)(4) that cross-references the contingency plan requirement. This section specifies that the contingency plan must include the current telephone number of the state Office of Emergency Services. This is a California specific requirement proposed to be relocated to this new section because this rulemaking proposes to repeal section 66262.34 and relocate its requirements for applicable generators.

Add Section 66262.262. Copies of Contingency Plan.

Section 66262.262. Add new section titled "Copies of Contingency Plan" and the contingency plan requirement in 40 CFR section 262.262 to align with the federal organization. Existing California requirement in section 66262.34(a)(4) cross-references the contingency plan requirement that is being retained, restructured, and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.262(a). Duplicate the contingency plan requirement in 40 CFR section 262.262(a) to align with the federal organization. This section specifies that a large

quantity generator shall submit the contingency plan to emergency responders. copy of the contingency plan must be maintained at the large quantity generator. The existing California requirement in section 66262.34(a)(4) cross-references the contingency plan requirement, is being retained, restructured, and relocated to this new section.

Under the GIR, U.S. EPA added the term “local emergency responders” and included specific entities in parentheses. Local emergency responders are police departments, fire departments, hospitals, and state and local emergency response teams. The proposed regulations will include this new language because a new requirement is added that requires large quantity generators to submit a quick reference guide to local emergency responders. Therefore, the proposed regulations include these requirements to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.262(b). Duplicate the new quick reference guide requirement in 40 CFR section 262.262(b) to align with the federal organization. Under the GIR, U.S. EPA now requires large quantity generators to submit a quick reference guide of the contingency plan to emergency responders. The quick reference guide must include the elements in proposed subsequent subsections. The California hazardous waste program does not have this requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

As in 40 CFR section 262.262(b), the provisions in this section become effective after the proposed regulations are adopted. The regulatory text that is filed with the Secretary of State will reflect the effective date of the regulations.

Section 66262.262(b)(1). Duplicate the new quick reference guide requirement in 40 CFR section 262.262(b)(1) to align with the federal organization. This section specifies that the quick reference guide must include, in simple terms, the types and names of each hazardous waste present and their hazards. The California hazardous waste program does not have this more stringent federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.262(b)(2). Duplicate the new quick reference guide requirement in 40 CFR section 262.262(b)(2) to align with the federal organization. This section specifies that the quick reference guide must include the estimated maximum amount of each hazardous waste that may be present at any one time. The California hazardous waste program does not have this more stringent federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.262(b)(3). Duplicate the new quick reference guide requirement in 40 CFR section 262.262(b)(3) to align with the federal organization. This section specifies that the quick reference guide must include the identification of hazardous wastes where exposure would require special medical treatment. The California hazardous waste program does not have this more stringent federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.262(b)(4). Duplicate the new quick reference guide requirement in 40 CFR section 262.262(b)(4) to align with the federal organization. This section specifies that the quick reference guide must include a map of the facility showing where hazardous wastes are generated, accumulated, and treated and routes for accessing the wastes. The California hazardous waste program does not have this more stringent federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.262(b)(5). Duplicate the new quick reference guide requirement in 40 CFR section 262.262(b)(5) to align with the federal organization. This section specifies that the quick reference guide must include a street map of the facility in relation to surrounding businesses, schools, and residential areas. The California hazardous waste program does not have this more stringent federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.262(b)(6). Duplicate the new quick reference guide requirement in 40 CFR section 262.262(b)(6) to align with the federal organization. This section specifies that the quick reference guide must include the locations of water supply. The California hazardous waste program does not have this more stringent federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.262(b)(7). Duplicate the new quick reference guide requirement in 40 CFR section 262.262(b)(7) to align with the federal organization. This section specifies that the quick reference guide must include the identification of onsite notification systems. The California hazardous waste program does not have this more stringent federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.262(b)(8). Duplicate the new quick reference guide requirement in 40 CFR section 262.262(b)(8) to align with the federal organization. This section specifies that the quick reference guide must include emergency coordinator telephone number(s). The California hazardous waste program does not have this more stringent federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66262.262(c). Duplicate the new quick reference guide requirement in 40 CFR section 262.262(c) to align with the federal organization. This section specifies that the generator must update their quick reference guide when the contingency plan is amended and submit the updated documents to the appropriate emergency responders. The California hazardous waste program does not have this more stringent federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Add Section 66262.263. Amendment of Contingency Plan.

Section 66262.263. Add new section titled “Amendment of Contingency Plan” and duplicate the contingency plan requirement in 40 CFR section 262.263 to align with the federal reorganization. This section specifies that the contingency plan must be reviewed and amended, if necessary, whenever the elements in following subsections occur. Existing California requirement in section 66262.34(a)(4) cross-references the contingency plan requirement that is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.263(a). Duplicate the contingency plan requirement in 40 CFR section 262.263(a) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) cross-references the contingency plan requirement that is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.263(b). Duplicate the contingency plan requirement in 40 CFR section 262.263(b) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) cross-references the contingency plan requirement that is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.263(c). Duplicate the contingency plan requirement in 40 CFR section 262.263(c) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) cross-references the contingency plan requirement that is being retained, restructured, and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.263(d). Duplicate the contingency plan requirement in 40 CFR section 262.263(d) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) cross-references the contingency plan requirement that is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.263(e). Duplicate the contingency plan requirement in 40 CFR section 262.263(e) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) cross-references the contingency plan requirement that is being retained and relocated to this new section. There is no new requirement being added with this addition.

Add Section 66262.264. Emergency Coordinator.

Section 66262.264. Add new section titled “Emergency Coordinator” and duplicate the emergency coordinator requirement in 40 CFR section 262.264 to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) cross-references the emergency coordinator requirement that is being retained, restructured and relocated to this new section. The proposed regulations replace the federal reference “§ 262.265” with the analogous California reference “section 66262.265” to ensure that existing California requirements are maintained. Federal language clarifying the existing emergency coordinator requirement is included in the proposed regulation. There is no new requirement being added with this addition.

Add Section 66262.265. Emergency Procedures.

Section 66262.265. Add new section titled “Emergency Procedures” in 40 CFR section 262.265 to align with the federal reorganization.

Section 66262.265(a). Duplicate the emergency procedures requirement in 40 CFR section 262.265(a) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) cross-references the emergency procedures requirement that is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(a)(1). Duplicate the emergency procedures requirement in 40 CFR section 262.265(a)(1) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) cross-references the emergency procedures requirement that is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(a)(2). Duplicate the emergency procedures requirement in 40 CFR section 262.265(a)(2) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) cross-references article 4 of chapter 15 the

emergency procedures requirement that is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(b). Duplicate the emergency procedures requirement in 40 CFR section 262.265(b) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement, is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(c). Duplicate the emergency procedures requirement in 40 CFR section 262.265(c) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement, is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(d). Duplicate the emergency procedures requirement in 40 CFR section 262.265(d) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement, is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(d)(1). Duplicate the emergency procedures requirement in 40 CFR section 262.265(d)(1) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement, is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(d)(2). Duplicate the emergency procedures requirement in 40 CFR section 262.265(d)(2) to align with the federal reorganization. This section specifies that the emergency coordinator must immediately notify the applicable governmental authorities whenever an emergency event occurs. The emergency coordinator's report must include information in the proposed subsequent subsections. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section.

The proposed regulations add the more stringent federal language for the emergency coordination to notify "either the government official designated as the on-scene coordinator for that geographical area, or the National Response Center (using their 24-hour toll free number 800-424-8802)." The California regulations do not include corresponding language. Therefore, this language is added to the proposed regulations to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159. In addition, the existing California language "in every situation, immediately notify the State Office of Emergency Services" from section

66265.56(d)(2) is added to the proposed regulations to maintain California's existing notification requirement.

Section 66262.265(d)(2)(A). Duplicate the emergency procedures requirement in 40 CFR section 262.265(d)(2)(i) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(d)(2)(B). Duplicate the emergency procedures requirement in 40 CFR section 262.265(d)(2)(ii) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(d)(2)(C). Duplicate the emergency procedures requirement in 40 CFR section 262.265(d)(2)(iii) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(d)(2)(D). Duplicate the emergency procedures requirement in 40 CFR section 262.265(d)(2)(iv) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(d)(2)(E). Duplicate the emergency procedures requirement in 40 CFR section 262.265(d)(2)(v) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(d)(2)(F). Duplicate the emergency procedures requirement in 40 CFR section 262.265(d)(2)(vi) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(e). Duplicate the emergency procedures requirement in 40 CFR section 262.265(e) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(f). Duplicate the emergency procedures requirement in 40 CFR section 262.265(f) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(g). Duplicate the emergency procedures requirement in 40 CFR section 262.265(g) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(h). Duplicate the emergency procedures requirement in 40 CFR section 262.265(h) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(h)(1). Duplicate the emergency procedures requirement in 40 CFR section 262.265(h)(1) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(h)(2). Duplicate the emergency procedures requirement in 40 CFR section 262.265(h)(2) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(i). Retain and relocate the California emergency procedures requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement. This section specifies that the generator must notify DTSC and appropriate authorities that the facility is following the emergency procedure requirements in proposed subsection (h) of this section before operations are resumed. The proposed regulations replace the existing language “owner or operator” with the proposed language “generator” because the requirement is for generators, not owners or operators. This rulemaking proposes the relocate the emergency procedures requirements for large quantity generators this section to align with the federal reorganization. There is no new requirement being added with this addition.

Section 66262.265(j). Duplicate the emergency procedures requirement in 40 CFR section 262.265(i) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures

requirement, is being retained, restructured, and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(j)(1). Duplicate the emergency procedures requirement in 40 CFR section 262.265(i)(1) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained, restructured, and relocated to this new section. Generators do not have a separate owner or operate. Therefore, the emergency procedures requirement in existing section 66265.56(j)(1) is not included in the proposed regulations. There is no new requirement being added with this addition.

Section 66262.265(j)(2). Duplicate the emergency procedures requirement in 40 CFR section 262.265(i)(2) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(j)(3). Duplicate the emergency procedures requirement in 40 CFR section 262.265(i)(3) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(j)(4). Duplicate the emergency procedures requirement in 40 CFR section 262.265(i)(4) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(j)(5). Duplicate the emergency procedures requirement in 40 CFR section 262.265(i)(5) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Section 66262.265(j)(6). Duplicate the emergency procedures requirement in 40 CFR section 262.265(i)(6) to align with the federal reorganization. Existing California requirement in section 66262.34(a)(4) that cross-references the emergency procedures requirement is being retained and relocated to this new section. There is no new requirement being added with this addition.

Amend Article 4 of Chapter 13

Amend Section 66263.43. Specific Requirements for Emergency Response Incident Operations.

Section 66263.43(h). Replace the referenced section “66262.34” with proposed referenced sections “66262.16 or 66262.17” that contain the analogous hazardous waste generator requirements. The proposed regulations relocate the storage requirements in existing section 66262.34 to proposed sections 66262.16 and 66262.17 to align with the federal reorganization. There is no new requirement being added with this amendment.

Amend Section 66263.45. Specific Requirements for Consolidation Operations.

Section 66263.45(e)(1). Replace the acronym “CFR” with the words “Code of Federal Regulations” to align with the California Style Manual. Update the obsolete federal citation references to 40 CFR “sections 261.5(a) and 261.5(g)” with the analogous new federal citation reference to 40 CFR “section 262.14(a)” to align with the federal reorganization. Additionally, the proposed regulations remove the obsolete date language “as of July 1988” because it is no longer necessary. There is no new requirement being added with these amendments.

Amend Section 66263.46. Specific Requirements for Small Load Operations.

Section 66263.46(b)(1). Replace the acronym “CFR” with the words “Code of Federal Regulations” to align with the California Style Manual. Additionally, the proposed regulations remove the obsolete date language “as of July 1988” because it is no longer necessary. There is no new requirement being added with these amendments.

Section 66263.46(b)(2). Replace the acronym “CFR” with the words “Code of Federal Regulations” to align with the California Style Manual. Update the obsolete federal citation references to 40 CFR “sections 261.5(a) and 261.5(g)” with the analogous new federal citation reference to 40 CFR “section 262.14(a)” to align with the federal reorganization. Additionally, the proposed regulations remove the obsolete date language “as of July 1988” because it is no longer necessary. There is no new requirement being added with these amendments.

Amend Article 1 of Chapter 14

Amend Section 66264.1. Purpose, Scope and Applicability.

Section 66264.1(g)(3). Replace the referenced section “66262.34” with proposed referenced sections “66262.15, 66262.16, or 66262.17.” The proposed regulations relocate the generator accumulation requirements in section 66262.34 to proposed sections 66262.15, 66262.16, and 66262.17 to align with the federal reorganization.

Additionally delete the hyphen in “on-site” as the definition in section 66260.10 refers to the term as one word. There is no new requirement being added with these amendments.

Amend Article 5 of Chapter 14

Amend Section 66264.71. Use of Manifest System.

Section 66264.71(g). Replace the referenced section “66262.34” with proposed referenced sections “66262.15, 66262.16, or 66262.17.” The proposed regulations relocate the generator accumulation requirements in section 66262.34 to proposed sections 66262.15, 66262.16, and 66262.17 to align with the federal reorganization. Additionally delete the hyphen in “on-site” as the definition in section 66260.10 refers to the term as one word. There is no new requirement being added with these amendments.

Amend Article 10 of Chapter 14

Amend Section 66264.191. Assessment of Existing Tank System’s Integrity.

Section 66264.191(g)(2)(B)1. Replace the obsolete term “conditionally exempt small quantity generator” with the proposed term “very small quantity generator” to align with the federal terminology change. Replace the obsolete federal definition reference for conditionally exempt small quantity generator in “40 CFR section 261.5” with the analogous state definition citation reference “section 66260.10 of this division.” Replace the obsolete federal definition reference for small quantity generator in “40 CFR section 265.201” with the analogous state definition citation reference “section 66260.10 of this division.” Because 40 CFR sections 261.5 and 265.201 have been repealed by U.S. EPA in the GIR, references to those sections must be removed and replaced with current analogous definition. Additionally, remove the small quantity generator description “of more than 100 kg but less than 1,000 kg per month” because the small quantity generator definition in section 66260.10 contains the generator description. There is no new requirement being added with these amendments.

Amend Section 66264.192. Design and Installation of New Tank Systems or Components.

Section 66264.192(i)(1). Repeal the text “New tank systems that have been assessed pursuant to subsections (b) through (h) of this section prior to June 1, 1995, are not required to be reassessed pursuant to subsection (l) for a period of five years from the date of the assessment or June 1, 2000, whichever is the earlier date. If changes have been made to the tank system or new components have been added to the tank system subsequent to an assessment conducted prior to June 1, 1995, the tank system shall be

reassessed pursuant to subsection (l),” because it is no longer applicable because the dates have passed. There is no new requirement being added with this amendment.

Section 66264.192(i)(2)(B)1. Replace the obsolete term “conditionally exempt small quantity generator” with the proposed term “very small quantity generator” to align with the federal terminology change. Replace the obsolete federal definition reference for conditionally exempt small quantity generator in “40 CFR section 261.5” with the analogous state definition citation reference “section 66260.10 of this division.” Replace the obsolete federal definition reference for small quantity generator in “40 CFR section 265.201” with the analogous state definition citation reference “section 66260.10 of this division.” Because 40 CFR sections 261.5 and 265.201 have been repealed by U.S. EPA in the GIR, references to those sections must be removed and replaced with current analogous definition. Additionally, remove the small quantity generator description “of more than 100 kg but less than 1,000 kg per month” because the small quantity generator definition in section 66260.10 contains the generator description. There is no new requirement being added with these amendments.

Amend Section 66264.193. Containment and Detection of Releases.

Section 66264.193(a)(3). Update the obsolete referenced 40 CFR “section 265.201,” which contained the federal tank system requirements for small quantity generators, with the current reference to those requirements in 40 CFR “section 262.16(b)(3)” to align with the federal reorganization. The 40 CFR section 265.201 was repealed from the federal regulations. There is no new requirement being added with this amendment.

Section 66264.193(a)(3)(A). Replace the obsolete term “conditionally exempt small quantity generator” with the proposed term “very small quantity generator” to align with the federal terminology change. Additionally, replace the federal small quantity generator description “100 to 1,000 kg per month generator” with the term “small quantity generator” because the small quantity generator definition in proposed reference “as defined in section 66260.10 of this division,” contains the generator description. There is no new requirement being added with these amendments.

Section 66264.193(j)(2)(B)1. Replace the obsolete term “conditionally exempt small quantity generator” with the proposed term “very small quantity generator” to align with the federal terminology change. Replace the obsolete federal definition reference for conditionally exempt small quantity generator in “40 CFR section 261.5” with the analogous state definition citation reference “section 66260.10 of this division.” Replace the obsolete federal definition reference for small quantity generator in “40 CFR section 265.201” with the analogous state definition citation reference “section 66260.10 of this division.” Because 40 CFR sections 261.5 and 265.201 have been repealed by U.S. EPA in the GIR, references to those sections must be removed and replaced with current analogous definition. Additionally, remove the small quantity generator description “of more than 100 kg but less than 1,000 kg per month” because the small

quantity generator definition in section 66260.10 contains the generator description. There is no new requirement being added with these amendments.

Amend Article 27 of Chapter 14

Amend Section 66264.1030. Applicability.

Section 66264.1030(a). Amend to make the uppercase “S” in “Section” a lowercase “s” to align with the California Style Manual. There is no new requirement being added with this amendment.

Sections 66264.1030(b)(2). Replace the referenced “section 66262.34(a),” which contains the large quantity generator requirements, with the proposed reference “section 66262.17.” This rulemaking will relocate the large quantity generator requirements in section 66262.34(a) to proposed section 66262.17 to align with the federal reorganization. There is no new requirement being added with this amendment.

Section 66264.1030(b)(3). Replace the referenced “section 66262.34(a),” which contains the large quantity generator requirements, with the proposed reference “section 66262.17.” This rulemaking will relocate the large quantity generator requirements in section 66262.34(a) to proposed section 66262.17 to align with the federal reorganization. There is no new requirement being added with this amendment.

Amend Article 28 of Chapter 14

Amend Section 66264.1050. Applicability.

Section 66264.1050(a). Amend to make the uppercase “S” in “Section” a lowercase “s” to align with the California Style Manual. There is no new requirement being added with this amendment.

Sections 66264.1050(b)(2). Replace the referenced “section 66262.34(a),” which contains the large quantity generator requirements, with the proposed reference “section 66262.17.” This rulemaking will relocate the large quantity generator requirements in section 66262.34(a) to proposed section 66262.17 to align with the federal reorganization. There is no new requirement being added with this amendment.

Section 66264.1050(b)(3). Replace the referenced “section 66262.34(a),” which contains the large quantity generator requirements, with the proposed reference “section 66262.17.” This rulemaking will relocate the large quantity generator requirements in section 66262.34(a) to proposed section 66262.17 to align with the federal reorganization. There is no new requirement being added with this amendment.

Amend Article 1 of Chapter 15

Amend Section 66265.1. Purpose, Scope and Applicability.

Section 66265.1(e)(7). Replace the referenced section “66262.34” with proposed referenced sections “66262.15, 66262.16, or 66262.17.” The proposed regulations relocate the generator accumulation requirements in section 66262.34 to proposed sections 66262.15, 66262.16, and 66262.17 to align with the federal reorganization. Additionally delete the hyphen in “on-site” as the definition in section 66260.10 refers to the term as one word. There is no new requirement being added with these amendments.

Amend Article 5 of Chapter 15

Amend Section 66265.71. Use of Manifest System.

Section 66265.71(i). Replace the referenced section “66262.34” with proposed referenced sections “66262.15, 66262.16, or 66262.17.” The proposed regulations relocate the generator accumulation requirements in section 66262.34 to proposed sections 66262.15, 66262.16, and 66262.17 to align with the federal reorganization. Additionally delete the hyphen in “on-site” as the definition in section 66260.10 refers to the term as one word. There is no new requirement being added with these amendments.

Amend Article 10 of Chapter 15

Amend Section 66265.191. Assessment of Existing Tank System's Integrity.

Section 66265.191(e)(2)(B)1. Replace the obsolete term “conditionally exempt small quantity generator” with the proposed term “very small quantity generator” to align with the federal terminology change. Replace the obsolete federal definition reference for conditionally exempt small quantity generator in “40 CFR section 261.5” with the analogous state definition citation reference “section 66260.10 of this division.” Replace the obsolete federal definition reference for small quantity generator in “40 CFR section 265.201” with the analogous state definition citation reference “section 66260.10 of this division.” Because 40 CFR sections 261.5 and 265.201 have been repealed by U.S. EPA in the GIR, references to those sections must be removed and replaced with current analogous definition. Additionally, remove the small quantity generator description “of more than 100 kg but less than 1,000 kg of hazardous waste in a calendar per month” because the small quantity generator definition in section 66260.10 contains the generator description. There is no new requirement being added with these amendments.

Amend Section 66265.192. Design and Installation of New Tank Systems or Components.

Section 66265.192(h)(1). Repeal the text “New tank systems that have been assessed pursuant to subsections (b) through (h) of this section prior to June 1, 1995, are not required to be reassessed pursuant to subsection (l) for a period of five years from the date of the assessment or June 1, 2000, whichever is the earlier date. If changes have been made to the tank system or new components have been added to the tank system subsequent to an assessment conducted prior to June 1, 1995, the tank system shall be reassessed pursuant to subsection (l),” because it is no longer applicable since the dates have passed. There is no new requirement being added with this amendment.

Section 66265.192(h)(2)(B)1. Replace the obsolete term “conditionally exempt small quantity generator” with the proposed term “very small quantity generator” to align with the federal terminology change. Replace the obsolete federal definition reference for conditionally exempt small quantity generator in “40 CFR section 261.5” with the analogous state definition citation reference “section 66260.10 of this division.” Replace the obsolete federal definition reference for small quantity generator in “40 CFR section 265.201” with the analogous state definition citation reference “section 66260.10 of this division.” Since 40 CFR sections 261.5 and 265.201 have been repealed by U.S. EPA in the GIR, references to those sections must be removed and replaced with current analogous definition. Additionally, remove the small quantity generator description “of more than 100 kg but less than 1,000 kg per month” because the small quantity generator definition in section 66260.10 contains the generator description. There is no new requirement being added with these amendments.

Amend Section 66265.193. Containment and Detection of Releases.

Section 66265.193(a)(2)(A). Replace the obsolete term “conditionally exempt small quantity generator” with the proposed term “very small quantity generator” to align with the federal terminology change. Replace the obsolete federal definition reference for conditionally exempt small quantity generator in “40 CFR section 261.5” with the analogous state definition citation reference “section 66260.10 of this division.” Replace the obsolete federal definition reference for small quantity generator in “40 CFR section 265.201” with the analogous state definition citation reference “section 66260.10 of this division.” Since 40 CFR sections 261.5 and 265.201 have been repealed by U.S. EPA in the GIR, references to those sections must be removed and replaced with current analogous definition. Additionally, remove the small quantity generator description “of more than 100 kg but less than 1,000 kg per month” because the small quantity generator definition in section 66260.10 contains the generator description. There is no new requirement being added with these amendments.

Section 66265.193(a)(2)(B). Replace the acronym “CFR” with the words “Code of Federal Regulations” to align with the California Style Manual. There is no new requirement being added with this amendment.

Section 66265.193(a)(3). Update the referenced 40 CFR “section 265.201,” which contain the federal tank system requirements, with the current analogous California reference to those requirements in “section 66262.16(b)(3) of this division” to align with the federal reorganization. The 40 CFR section 265.201 was repealed from the federal regulations. There is no new requirement being added with this amendment.

Section 66265.193(a)(3)(A). Replace the obsolete term “conditionally exempt small quantity generator” with the proposed term “very small quantity generator” to align with the federal terminology change. Additionally, replace the small quantity generator description “100 to 1000 kg per month generator” with the term “small quantity generator,” which is defined in section 66260.10.

Section 66265.193(a)(3)(B). Replace the acronym “CFR” with the words “Code of Federal Regulations” to align with the California Style Manual. There is no new requirement being added with this amendment.

Section 66265.193(j)(2)(B)1. Replace the obsolete term “conditionally exempt small quantity generator” with the proposed term “very small quantity generator” to align with the federal terminology change. Replace the obsolete federal definition reference for conditionally exempt small quantity generator in “40 CFR section 261.5” with the analogous state definition citation reference “section 66260.10 of this division.” Replace the obsolete federal definition reference for small quantity generator in “40 CFR section 265.201” with the analogous state definition citation reference “section 66260.10 of this division.” Because 40 CFR sections 261.5 and 265.201 have been repealed by U.S. EPA in the GIR, references to those sections must be removed and replaced with current analogous definition. Additionally, remove the small quantity generator description “of more than 100 kg but less than 1,000 kg per month” because the small quantity generator definition in section 66260.10 contains the generator description. There is no new requirement being added with these amendments.

Amend Article 27 of Chapter 15

Amend Section 66265.1030. Applicability.

Section 66265.1030(a). Amend to make the uppercase “S” in “Section” a lowercase “s” to align with the California Style Manual. There is no new requirement being added with this amendment.

Section 66265.1030(b). Amend to make the uppercase “S” in “Section” a lowercase “s” to align with the California Style Manual. There is no new requirement being added with this amendment.

Section 66265.1030(b)(3). Replace the referenced 40 CFR “section 66262.34(a),” which contains the large quantity generator requirements, with the proposed reference in 40 CFR “section 66262.17.” This rulemaking will relocate the requirements in section 66262.34(a) to proposed section 66262.17 to align with the federal reorganization. Additionally, add “section” before “66261.6” to specify that “66261.6” is a section number. There is no new requirement being added with these amendments.

Amend Article 28 of Chapter 15

Amend Section 66265.1050. Applicability.

Section 66265.1050(a). Amend to make the uppercase “S” in “Section” a lowercase “s” to align with the California Style Manual. There is no new requirement being added with this amendment.

Section 66265.1050(b). Amend to make the uppercase “S” in “Section” a lowercase “s” to align with the California Style Manual. There is no new requirement being added with this amendment.

Section 66265.1050(b)(2). Replace the referenced 40 CFR “section 66262.34(a),” which contains the large quantity generator requirements, with the proposed reference to 40 CFR “section 66262.17.” This rulemaking will relocate the requirements in section 66262.34(a) to proposed section 66262.17 to align with the federal reorganization. There is no new requirement being added with this amendment.

Section 66265.1050(b)(3). Replace the referenced 40 CFR “section 66262.34(a),” which contains the large quantity generator requirements, with the proposed reference to 40 CFR “section 66262.17.” This rulemaking will relocate the requirements in section 66262.34(a) to proposed section 66262.17 to align with the federal reorganization. There is no new requirement being added with this amendment.

Amend Article 1 of Chapter 18

Amend Section 66268.1. Purpose, Scope and Applicability.

Section 66268.1(e)(1). Update the obsolete federal definition reference for a very small quantity generator in “40 CFR section 261.5” with the current federal definition reference for very small quantity generator in “40 Code of Federal Regulations 260.10.” The generator described in the requirement is a federal very small quantity generator defined in 40 CFR section 260.10. Since 40 CFR sections 261.5 has been repealed by U.S. EPA in the GIR, the reference to that section must be replaced with current

definition reference to align with the federal reorganization. Replace the acronym “CFR” with the words “Code of Federal Regulations” to align with the California Style Manual. There is no new requirement being added with these amendments.

Amend Section 66268.7. Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities.

Section 66268.7(a)(5). Update the obsolete reference to “40 CFR 262.34” with the proposed references to “section 66262.15, 66262.16, or 66262.17” to align with the federal reorganization. The GIR updated the analogous federal requirement in 40 CFR 268.7(a)(5) to replace the reference “40 CFR 262.34” with the references “40 CFR 262.15, 262.16, and 262.17,” which is where standards for managing hazardous waste in tanks, containers, or containment buildings were relocated to. The proposed analogous regulatory sections “66262.15, 66262.16, or 66262.17” contain the California standards for managing hazardous waste in tanks, containers, or containment buildings. There is no new requirement being added with these amendments.

Amend Article 5 of Chapter 18

Amend Section 66268.50. Prohibitions on Storage of Restricted Wastes.

Section 66268.50(a)(1). Replace the referenced “section 66262.34” with the proposed references “section 66262.16 or 66262.17” to align with the federal reorganization. The proposed regulations relocate the generator accumulation requirements in section 66262.34 to proposed sections 66262.16 and 66262.17. Additionally, repeal the obsolete portion of the requirement that reads, “(A generator who is in existence on July 1, 1991 and who must store hazardous wastes for longer than the applicable accumulation period specified in subsection (a) or (d) of section 66262.34 of this chapter, due to the regulations under this chapter becomes an owner/operator of a storage facility and shall obtain a Hazardous Waste Facility Permit. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under section 66270.70 of chapter 20),” because the requirement date has passed making this portion of the requirement no longer applicable. Additionally, amend to change the uppercase “C” in “Chapters” to a lower case “c” to align with the California Style Manual. There is no new requirement being added with these amendments.

Section 66268.50(a)(2)(A). Amend the requirement sentence structure to align with the federal requirement in 40 CFR section 268.50(a)(2)(i). The sentence restructure is necessary to add mandatory requirements in the following three proposed subsections. The proposed regulations relocate the requirement to mark each container with the date each period of accumulation begins to proposed section 66268.50(a)(2)(A)4 to align with the federal reorganization.

Section 66268.50(a)(2)(A)1. Duplicate the marking requirement in 40 CFR, section 268.50(a)(2)(i)(A) to align with the federal reorganization. This subsection specifies that each container must be marked with the words “Hazardous Waste.” This is a new requirement under the GIR that is more stringent than existing California requirements because the California hazardous waste program does not include the federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66268.50(a)(2)(A)2. Duplicate the marking requirement in 40 CFR, section 268.50(a)(2)(i)(B) to align with the federal reorganization. This subsection specifies that each container must be marked with the applicable EPA hazardous waste number(s). This is a new requirement under the GIR that is more stringent than existing California requirements because the California hazardous waste program does not include the federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159. The proposed regulations replace the federal references with the analogous California references to ensure that California’s hazardous waste requirements are maintained.

Section 66268.50(a)(2)(A)3. Duplicate the marking requirement in 40 CFR, section 268.50(a)(2)(i)(C) to align with the federal reorganization. This subsection specifies that each container must be marked with an indication of the hazards of the contents. This is a new requirement under the GIR that is more stringent than existing California requirements because the California hazardous waste program does not include the federal requirement. Therefore, the proposed regulations include the mandatory requirement to maintain equivalency with the federal hazardous waste program pursuant to Health and Safety Code section 25159.

Section 66268.50(a)(2)(A)4. Duplicate the marking requirement in 40 CFR, section 268.50(a)(2)(i)(D) to align with the federal reorganization. This is an existing requirement that is relocated to this subsection from Section 66268.50(a)(2)(A) to align with the federal reorganization. There is no new requirement being added with this amendment.

Amend Article 5 of Chapter 20

Amend Section 66270.60. Permits by Rule.

Section 66270.60(d). Amend to make the uppercase “S” in “Section” a lowercase “s” to align with the California Style Manual. There is no new requirement being added with this amendment.

Section 66270.60(d)(6). Amend to change the four instances of the uppercase “C” in “Chapter” to a lowercase “c” to align with the California Style Manual. There is no new requirement being added with these amendments.

Section 66270.60(d)(6)(A)6. Replace the obsolete term “conditionally exempt small quantity generator” with the new term “very small quantity generator” to align with the federal reorganization. There is no new requirement being added with this amendment.

Amend Article 1 of Chapter 23

Amend Section 66273.8. Exemptions.

Section 66273.8(b). Replace the subtitle “Conditionally exempt small quantity universal waste generator exemption” with the new subtitle “Very small quantity universal waste generator exemption” to align with the generator terminology change adopted by U.S. EPA in the GIR and the proposed regulations. Additionally, replace the generator terminology “conditionally exempt small quantity universal waste generator” with the new terminology “very small quantity universal waste generator” to align with the generator terminology change adopted under the GIR and the proposed regulations. There is no new requirement being added with these amendments.

Amend Section 66273.9. Definitions.

Section 66273.9. Replace the generator terminology “Conditionally exempt small quantity universal waste generator” with the new terminology “very small quantity universal waste generator” to align with the generator terminology change adopted under the GIR and the proposed regulations. There is no new requirement being added with this amendment.

Section 66273.9(b). Replace the very small quantity generator requirements reference in “40 CFR section 261.5” with the current requirement reference in “40 Code of Federal Regulations section 262.14” to align with the federal reorganization. The requirements applicable to the conditionally exempt small quantity generators, which are now very small quantity generators, were relocated from 40 CFR section 261.5 to 40 CFR section 262.14 by U.S. EPA in the GIR. Additionally, replace the acronym “CFR” with the words “Code of Federal Regulations” to align with the California Style Manual. There is no new requirement being added with these amendments.

Amend Article 7 of Chapter 23

Amend Section 66273.72. Authorization for Disassembling/Draining Activities.

Sections 66273.72(d)(2)(B)3. Replace the referenced section to 40 CFR “66262.34” with proposed referenced sections “66262.15, 66262.16, or 66262.17.” The proposed regulations relocate the container requirements in section 66262.34 to proposed

sections 66262.15, 66262.16, and 66262.17 to align with the federal reorganization. There is no new requirement being added with this amendment.

Section 66273.72(d)(2)(B)4. Replace the referenced section “66262.34” with proposed referenced sections “66262.15, 66262.16, or 66262.17.” The proposed regulations relocate the container requirements in section 66262.34 to proposed sections 66262.15, 66262.16, and 66262.17 to align with the federal reorganization. There is no new requirement being added with this amendment.

Amend Article 2 of Chapter 29

Amend Section 66279.10. Applicability.

Section 66279.10(b). Amend to change the uppercase “S” in “Subpart” to lowercase “s,” the uppercase “P” in “Part” to lowercase “p,” and the uppercase “T” in “Title” to lowercase “t” to align with the California Style Manual. There is no new requirement being added with these amendments.

Section 66279.10(b)(5). Replace the obsolete term “conditionally exempt small quantity generator” with the proposed term “very small quantity generator” to align with the federal terminology change. Update the obsolete federal definition reference for conditionally exempt small quantity generator 40 CFR section “261.5(a)” with the current federal definition reference for very small quantity generator, which is 40 CFR section “260.10.” There is no new requirement being added with these amendments.

Section 66279.10(b)(5)(A). Replace the obsolete term “conditionally exempt small quantity generator” with the proposed term “very small quantity generator” to align with the federal terminology change. Update the obsolete federal definition reference for conditionally exempt small quantity generator 40 CFR section “261.5(a)” with the current federal definition reference for very small quantity generator, which is 40 CFR section “260.10.” There is no new requirement being added with these amendments.

Section 66279.10(c). Replace the obsolete term “conditionally exempt small quantity generator” with the proposed term “very small quantity generator” to align with the federal terminology change. Update the obsolete federal definition reference for conditionally exempt small quantity generator 40 CFR section “261.5(a)” with the current federal definition reference for very small quantity generator, which is 40 CFR section “260.10.” There is no new requirement being added with these amendments.

Amend Chapter 42

Amend Section 67426.1. Generator Requirements.

Section 67426.1(a). Add the section exceptions for article 1 of the generator exemption requirement because the proposed regulations relocate generator accumulation and

counting requirements from article 3 to article 1 of chapter 12. The accumulation requirements are in proposed sections 66262.15, 66262.16, or 66262.17 and the counting requirements are in proposed section 66262.13. This provision does not exempt generators from accumulation and counting requirements. Therefore, it is necessary to add the exception to align this requirement with the proposed reorganization. Replace the word “who” with “that” to improve the language grammar. Additionally, amend to change the uppercase “C” in “Chapter” to a lower case “c” and change the uppercase “A” in “Article” to a lowercase “a” to align with the California Style Manual. There is no new requirement being added with these amendments.

ECONOMIC IMPACT ASSESSMENT

Summary of Non-Major Regulation

DTSC estimates the proposed regulation will not result in a total economic impact on the state’s businesses of more than \$10 million in one or more years of implementation. Therefore, this proposal is not a major regulation as defined by Health and Safety Code section 57005.

Creation or Elimination of Jobs

DTSC does not anticipate any job creation or elimination within the state of California. One of the objectives for the proposed regulations is to provide a greater flexibility for generators to manage their waste in a safe and cost-effective manner. DTSC predicts that user-friendly improvements made to the hazardous waste regulations will provide a better understanding and implementation of the regulations for impacted businesses. As a result, it is more likely that businesses will stay in business under the improved regulations as proposed. At this time, DTSC cannot estimate the number of jobs that might be created or eliminated as a result of the proposed regulations.

California is authorized by U.S. EPA to implement California’s hazardous waste program in lieu of the federal hazardous waste program. California’s hazardous waste program cannot be less stringent than the federal hazardous waste program and must be at least equivalent to the federal hazardous waste program for California to maintain its authorization. Therefore, the primary intent of the proposed regulations is to adopt requirements from the GIR that are more stringent than California’s existing hazardous waste generator requirements to ensure the California hazardous waste program is no less stringent than the federal hazardous waste program.

Creation of New Businesses or Elimination of Existing Businesses

The proposed regulations will not affect the number of businesses that generate hazardous waste. Additionally, the proposed regulations are intended to make the existing hazardous waste generator regulations clearer thus improving compliance but

are not expected to have any impact on the quantity of businesses that exist in California beyond the normal rate of businesses opening and closing due to other reasons.

DTSC anticipates that the numbers of businesses that are large quantity generators in the future will not change significantly, based on the data trend observed for the timespan 2017 to 2021 HWTS reporting. Under existing regulations, DTSC observes that there is a trend at approximately seven percent decrease of small quantity generators closing their business based on the HWTS data gathered for the past five years, from 2017 to 2021 (**Table 2**). However, DTSC does not anticipate any significant change to the existing trend under the proposed regulations which intend to provide clearer and better understanding for managing hazardous waste.

Expansion of Businesses Currently doing Business

DTSC cannot predict any expansion of businesses currently operating in California as a result of these proposed regulations. However, these proposed regulations aim to provide improved and clearer regulatory language and organization of the overall hazardous waste management standards for generators. DTSC anticipates that these proposed regulations will benefit the hazardous waste generators in managing their facilities, resulting in a potential increase in their business operations.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

DTSC fulfills the requirement as an authorized state by adopting federal regulations that are more stringent than California's hazardous waste program to maintain U.S. EPA's authorization. Furthermore, the proposed regulations aim to provide a better understanding of how the hazardous waste regulatory program works, address gaps in the existing regulations to strengthen environmental protection and make the regulations clearer by reorganizing them in a more user-friendly structure. Therefore, these proposed regulations aim to provide a better environmental protection and human health by improving the regulatory language and structure of the hazardous waste management requirements for generators to comply.

REASONABLE ALTERNATIVES CONSIDERED

Government Code section 11346.2(b)(4) requires DTSC to consider and evaluate reasonable alternatives to the proposed regulatory action and provide reasons for rejecting those alternatives. This section discusses alternatives evaluated and provides reasons why these alternatives were not included in the proposal. As explained below, no alternative proposed was found to be less burdensome and equally effective in achieving the purposes of the regulation in a manner than ensures full compliance with

the authorizing law. DTSC has not identified reasonable alternatives that would lessen any adverse impact on small business.

Selected option: Generator Improvements Rule

DTSC proposes to adopt mandatory GIR requirements, some nonsubstantive GIR amendments, and other nonsubstantive amendments (e.g. grammar corrections; language restructure, obsolete reference updates). This option was chosen because DTSC, per Health and Safety Code 25159, is required to revise the California hazardous waste regulations to adopt federal hazardous waste requirements that are more stringent or broader in scope than California's hazardous waste program. This is necessary for California to maintain its U.S. EPA authorization to implement California's hazardous waste program, rather than the federal, hazardous waste program. The nonsubstantive amendments are included in this rulemaking to align with the federal regulation reorganization and language structure and to ensure that existing state requirements remain.

Alternative 1: RCRA hazardous waste only

DTSC evaluated the option to adopt the federal GIR regulations only for generators of RCRA hazardous waste in California. This alternative will limit the scope of the proposed GIR hazardous waste requirements to generators of RCRA hazardous waste only, thus potentially lowering the costs associated with the new requirements. The GIR was adopted by U.S. EPA under the authority of the Resource Conservation and Recovery Act and apply only to generators of RCRA hazardous waste nationwide.

However, DTSC is opting to apply many of the proposed requirements to generators of both RCRA and non-RCRA hazardous wastes in California. Although the cost impact to generators could be lowered if the new requirements only apply to the RCRA hazardous waste they generate, there is the potential for confusion by the generator regarding which regulatory standards they should comply with if they generate both types of hazardous wastes. There could also be potential fiscal impact to the regulators that implement inspection and enforcement activities, due to different regulatory standards that generators of both RCRA and non-RCRA hazardous wastes must comply with. Therefore, DTSC did not select this alternative.

Alternative 2: Do nothing

This option was not chosen because Health and Safety Code 25159 requires DTSC to revise California's hazardous waste regulations because the federal hazardous waste program is currently more stringent than the state's program. If DTSC does not adopt the more stringent federal GIR requirements, then U.S. EPA may potentially rescind California's authorization to implement the state hazardous waste program. Some aspects of California's hazardous waste program are more stringent and broader in

scope and, therefore, more protective of public health, safety and the environment than the federal program. If California's authorization is rescinded, then the less protective federal program would be implemented. U.S. EPA, not DTSC, may implement the potential federal hazardous waste program in California.

This option would not be less burdensome because businesses managing hazardous waste would still be required to comply with all of the federal hazardous waste requirements, including the GIR requirements.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

California is a state authorized by U.S EPA to implement its state hazardous waste program in lieu of the federal hazardous waste program. Any changes to the federal hazardous waste program do not take effect in California until California adopts federal changes into the state program. Therefore, the adoption of federal GIR requirements into California's hazardous waste program will not duplicate any federal hazardous waste requirements effective in California. Additionally, per Health and Safety Code section 25159.5, DTSC may adopt hazardous waste standards and regulations that are more stringent or more extensive than federal regulations.

The proposed regulations repeal existing generator requirements that would duplicate requirements added or relocated because of this rulemaking.

REFERENCES

This proposal relied on the following document(s):

- Federal Register 85732, Vol. 81, No. 228, November 28, 2016