

Proposed Regulatory Text

GENERATOR IMPROVEMENTS RULE

Department of Toxic Substances Control Reference Number: R-2023-08R
Amend section 66260.10 of the California Code of Regulations, title 22, division 4.5, chapter 10, article 2, to read as follows:

Section 66260.10. Definitions

When used in this division, the following terms have the meanings given below:

“Acute hazardous waste” see “Acutely hazardous waste.”

“Acutely hazardous waste” or “Acute hazardous waste” means ~~any hazardous waste classified as an acutely hazardous waste in article 4 of chapter 11 of this division.~~ hazardous wastes that meet the listing criteria in section 261.11(a)(2) of 40 Code of Federal Regulations and therefore are either listed in section 66261.31 with the assigned hazard code of (H) or are listed in section 66261.33(e) of this division.

“Central Accumulation Area” means any on-site hazardous waste accumulation area with hazardous waste accumulating in units subject to either section 66262.16 (for small quantity generators) or section 66262.17 of this division (for large quantity generators).

“Existing tank system” or “existing tank component” means a tank system or component that is used for the transfer, storage or treatment of hazardous waste and that is in operation, or for which installation has commenced on or prior to the dates indicated below:

(a) July 14, 1986, for tanks containing RCRA hazardous wastes, unless:

(1) the owner or operator is a ~~conditionally exempt~~ very small quantity generator as defined in ~~40 CFR section 261.5~~ 66260.10, or a small quantity ~~100 to 1,000 kg per month~~ generator as defined in ~~40 CFR section 265.204~~ 66260.10, or

(2) the owner or operator is not subject to regulation in ~~40 CFR~~ Code of Federal Regulations part 264 or part 265 pursuant to an exemption in ~~40 CFR~~ Code of Federal Regulations section 264.1 or section 265.1;

(b) July 1, 1991 for:

(1) tanks containing only non-RCRA hazardous wastes, and

(2) tanks containing RCRA hazardous wastes, if:

(A) the owner or operator is a ~~conditionally exempt~~ very small quantity generator as defined in 40 CFR section ~~261.5~~ 66260.10, or a small quantity ~~100 to 1,000 kg per month~~ generator as defined in 40 CFR section ~~265.204~~ 66260.10, or

“Final closure” means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under chapters 14 and 15 of this division are no longer conducted at the facility unless subject to the provisions in section ~~66262.34~~ 66262.15, 66262.16, or 66262.17.

“Large quantity generator” means a generator who generates any of the following amounts in a calendar month:

(1) Greater than or equal to 1,000 kilograms (2,200 lbs) of non-acute hazardous waste;
or

(2) Greater than 1 kilogram (2.2 lbs) of acute hazardous waste listed in section 66261.31 or section 66261.33(e) of this division; or

(3) Greater than 1 kilogram (2.2 lbs) of extremely hazardous waste.

“New tank system” or “new tank component” means a tank system or component that will be used for the transfer, storage, or treatment of hazardous waste and for which installation (as defined under “Existing tank system” in this section) has commenced after the dates indicated below; except, however, for purposes of sections 66264.193(g) and 66265.193(g), a new tank system is one for which construction commences after the dates indicated below: (See also “Existing tank system.”)

(a) July 14, 1986, for tanks containing RCRA hazardous wastes, unless:

(1) the owner or operator is a ~~conditionally exempt~~ very small quantity generator as defined in 40 CFR section ~~261.5~~ 66260.10, or a small quantity ~~100 to 1,000 kg per month~~ generator as defined in 40 CFR section ~~265.204~~ 66260.10, or

(2) the owner or operator is not subject to regulation in 40 CFR Code of Federal Regulations part 264 or part 265 pursuant to an exemption in 40 CFR Code of Federal Regulations section 264.1 or section 265.1;

(b) July 1, 1991 for:

(1) tanks containing only non-RCRA hazardous wastes, and

(2) tanks containing RCRA hazardous wastes, if:

(A) the owner or operator is a ~~conditionally exempt~~ very small quantity generator as defined in section 66260.10, or a small quantity ~~100 to 1,000 kg per month~~ generator as defined in section 66260.10, or

(B) the owner or operator is not subject to regulation in 40 ~~CFR~~ Code of Federal Regulations part 264 or part 265 pursuant to an exemption in 40 ~~CFR~~ Code of Federal Regulations section 264.1 or section 265.1, but the owner or operator is subject to the standards of article 10 of chapter 14 or article 10 of chapter 15 of this division.

“Non-acute hazardous waste” means all hazardous wastes that are not acute hazardous waste or extremely hazardous waste, as defined in this section.

“Small quantity commercial source” means a business which generates less than 100 kilograms of household waste, as defined in paragraph (1) of subdivision (b) of ~~§~~section 261.4 of Title 40 of the Code of Federal Regulations, or which meets the criteria for ~~conditionally exempt~~ very small quantity generators specified in ~~261.5~~ section 262.14 of Title 40 of the Code of Federal Regulations, or, if the hazardous waste is perchlorethylene, a business which generates less than 50 kilograms of hazardous waste per month and meets the criteria set forth in ~~Sections~~ section 261.4 or 261.5 262.14 of Title 40 of the Code of Federal Regulations.

“Small quantity generator” means a generator who generates ~~less than 1,000 kg of hazardous waste~~ the following amounts in a calendar month:

- (1) Less than 1,000 kilograms (2,200 lbs) of non-acute hazardous waste; and
- (2) Less than or equal to 1 kilogram (2.2 lbs) of acute hazardous waste listed in section 66261.31 or section 66261.33(e) of this division; and
- (3) Less than or equal to 1 kilogram (2.2 lbs) of extremely hazardous waste.

“Very small quantity generator” means a generator who generates less than or equal to the following amounts in a calendar month:

- (1) 100 kilograms (220 lbs) of non-acute hazardous waste; and
- (2) 1 kilogram (2.2 lbs) of acute hazardous waste listed in section 66261.31 or section 66261.33(e) of this division; and
- (3) 1 kilogram (2.2 lbs) of extremely hazardous waste.

Note: Authority cited: Sections 25141, 25150, 25158.1, ~~25158.4~~, 25159, 25159.5, ~~25187.7~~, 25200.10, 25204, 25214.9, 25214.10.2, 25218.3(d), 25200.21, 25245, 25316, 25355.5, 25356.9, 25358.3, 25358.9, 58004 and 58012, Health and Safety Code; Governor's Reorganizational Plan #1 of 1991; and Section 42475.1 and 42475.2, Public Resources Code. Reference: Sections 25110.02, 25110.1, 25110.5, 25111, 25112, 25112.5, 25113, 25114, 25115, 25117, 25117.1, 25117.3, 25117.8, 25117.9, 25117.11, 25118, 25119, 25120, 25121, 25121.5, 25122.7, 25123, 25123.3, 25123.5, 25123.6, 25141, 25150, 25158.2, 25159, 25159.5, ~~25187.7~~, 25200.10, 25201.6, 25204, 25214.9, 25218.1(f), 25218.3, 25200.21, 25229, 25245, 25316, 25354(b), 25355.5, 25355.6, 25356.9, 25358.1, 25358.9, 25359.8, 25361, 25501, 25529, 58004 and 58012, Health and Safety Code; Section 42463(f)(1), Public Resources Code; and 40 CFR Sections 260.10, 261.1, 262.21, 264.551, 264.1031, 268.2, 270.2 and 273.6.

Amend section 66260.23 of the California Code of Regulations, title 22, division 4.5, chapter 10, Article 3, to read as follows:

Section 66260.23. Factors for Petitions to Include Other Wastes Under Chapter 23.

The Director will evaluate petitions submitted under section 66260.22 using the following factors:

(b) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including for example, households, retail and commercial businesses, office complexes, ~~conditionally exempt~~ very small quantity generators, small businesses, governmental organizations, as well as large industrial facilities);

Note: Authority cited: Sections 25159 and 58012, Health and Safety Code. Reference: Section 25159, Health and Safety Code; and 40 CFR Section 273.81.

Amend section 66262.10 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 1, to read as follows:

Section 66262.10. Purpose, Scope and Applicability.

(a) This chapter establishes standards for generators of hazardous waste located in California.

(b) A generator who treats, stores, or disposes of hazardous waste on site shall comply with the following sections of this chapter with respect to that waste: section 66262.11 for determining whether or not the generator has a hazardous waste, section ~~66262.12~~ 66262.18 for obtaining an identification number, section ~~66262.34~~ 66262.15, 66262.16

or 66262.17 for accumulation of hazardous waste, section 66262.40(c) and (d) for recordkeeping, section 66262.43 for additional reporting, section 66262.44 for hazardous waste of concern reporting, and if applicable, section 66262.70 for farmers.

(d) Any person who exports or imports hazardous wastes shall comply with 40 Code of Federal Regulations section 262.18, 40 Code of Federal Regulations part 262, subpart H, section ~~66262.12~~ 66262.18, and article 8, chapter 12 of this division.

(g) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility shall comply with the generator standards established in this chapter. The provisions of section ~~66262.34~~ 66262.15, 66262.16 or 66262.17 shall be applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of section ~~66262.34~~ 66262.15, 66262.16 or 66262.17 shall apply only to owners or operators who are shipping hazardous waste which they generated at that facility.

Note: Authority cited: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25150, 25159, 25159.5, 25169.7 and 58012, Health and Safety Code; and 40 Code of Federal Regulations section 262.10.

Repeal and reserve section 66262.12 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 1 to read as follows:

~~Section 66262.12. Identification Numbers for the Generator.~~

~~(a) Except as specified in (e), a generator shall not treat, store, dispose of, transport or offer for transportation, hazardous waste without having received an Identification Number.~~

~~(b) A generator who has not received an Identification Number may obtain one by applying to the Department using EPA form 8700-12. Following receipt of the request, the generator will be assigned an Identification Number.~~

~~(c) A generator shall not offer the hazardous waste to transporters or to transfer, treatment, storage or disposal facilities that have not received an Identification Number.~~

~~(d) A recognized trader shall not arrange for import or export of hazardous waste without having received a U.S. EPA Identification Number.~~

~~(e) Generators who generate no more than 100 kilograms of waste per month that is hazardous solely due to the presence of silver in the waste pursuant to Health and Safety Code section 25143.13 are not required to obtain an Identification Number.~~

~~Note: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25143.13, 25159, 25159.5 and 25160.2, Health and Safety Code;
and 40 CFR Sections 261.5 and 262.12.~~

Add section 66262.13 to California Code of Regulations, title 22, division 4.5, chapter 12, article 1, to read as follows:

Section 66262.13. Generator Category Determination.

A generator shall determine its generator category. A generator's category is based on the amount of hazardous waste generated each calendar month and may change from month to month. This section sets forth procedures to determine whether a generator is a small quantity generator or a large quantity generator for a particular month, as defined in section 66260.10 of this division.

(a) Generators of either acute hazardous waste, extremely hazardous waste or non-acute hazardous waste. A generator that either generates acute hazardous waste, extremely hazardous waste or non-acute hazardous waste in a calendar month shall determine its generator category for that month by doing the following:

- (1) Counting the total amount of hazardous waste generated in the calendar month;
- (2) Subtracting from the total any amounts of waste exempt from counting as described in subsection (c) of this section; and
- (3) Determining the resulting generator category for the hazardous waste generated using Table 1 of this section.

(b) Generators of acute, extremely hazardous waste, and non-acute hazardous wastes. A generator that generates acute hazardous waste, extremely hazardous waste, and non-acute hazardous waste in the same calendar month shall determine its generator category for that month by doing the following:

- (1) Counting separately the total amount of acute hazardous waste, the total amount of extremely hazardous waste, and the total amount of non-acute hazardous waste generated in the calendar month;
- (2) Subtracting from each total any amounts of waste exempt from counting as described in subsection (c) of this section;
- (3) Determining separately the resulting generator categories for the quantities of acute, extremely, and non-acute hazardous waste generated using Table 1 of this section; and
- (4) Comparing the resulting generator categories from subsection (b)(3) of this section and applying the more stringent generator category to the accumulation and management of acute hazardous waste, extremely hazardous waste, and non-acute hazardous waste generated for that month.

Table 1 to section 66262.13—Generator Categories Based on Quantity of Waste Generated in a Calendar Month

<u>Quantity of acute hazardous waste generated in a calendar month</u>	<u>Quantity of extremely hazardous waste generated in a calendar month</u>	<u>Quantity of non-acute hazardous waste generated in a calendar month</u>	<u>Generator category</u>
<u>> 1 kg</u>	<u>Any amount</u>	<u>Any amount</u>	<u>Large quantity generator</u>
<u>Any amount</u>	<u>> 1 kg</u>	<u>Any amount</u>	<u>Large quantity generator</u>
<u>Any amount</u>	<u>Any amount</u>	<u>≥ 1,000 kg</u>	<u>Large quantity generator</u>
<u>≤ 1 kg</u>	<u>≤ 1 kg</u>	<u>< 1,000 kg</u>	<u>Small quantity generator</u>

(c) When making the monthly quantity-based determinations required by this section, the generator shall include all hazardous waste that it generates, except hazardous waste that:

(1) Is exempt from regulation under sections 66261.4(c) through (f), 66261.6(a)(3), or 66261.7(a);

(2) Is universal waste managed pursuant to the requirements of chapter 23 of this division.

Note: Authority cited: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25123.3, 25150, 25158.1, 25159, and 25159.5, Health and Safety Code; and 40 Code of Federal Regulations Section 262.13.

Add section 66262.15 to California Code of Regulations, title 22, division 4.5, chapter 12, article 1, to read as follows:

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

(a) A generator may accumulate as much as 55 gallons of non-acute hazardous waste and/or either one quart of liquid acute hazardous waste listed in section 66261.31 or 66261.33(e) of this division, 1 kg (2.2 lbs) of solid acute hazardous waste listed in section 66261.31 or 66261.33(e) of this division, or one quart of extremely hazardous

waste, in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of chapters 14, 15, 16, and 20 of this division, provided that all of the conditions for exemption in this section are met. A generator may comply with the conditions for exemption in this section instead of complying with the conditions for exemption in section 66262.16(b) or 66262.17(a), except as required in section 66262.15(a)(7) and (8). The conditions for exemption for satellite accumulation are:

(1) If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects), or if it begins to leak, the generator shall immediately transfer the hazardous waste from this container to a container that is in good condition and does not leak, or immediately transfer and manage the waste in a central accumulation area in compliance with section 66262.16(b) or 66262.17(a).

(2) The generator shall use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

(3) Special standards for incompatible wastes.

(A) Incompatible wastes, or incompatible wastes and materials (see Appendix V of chapter 15 of this division for examples) shall not be placed in the same container, unless section 66265.17(b) of this division is complied with.

(B) Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material (see Appendix V of chapter 15 of this division for examples) unless section 66265.17(b) of this division is complied with.

(C) A container holding a hazardous waste that is incompatible with any waste or other materials accumulated nearby in other containers shall be separated from the other materials or protected from them by any practical means.

(4) A container holding hazardous waste shall be closed at all times during accumulation, except:

(A) When adding, removing, or consolidating waste; or

(B) When temporary venting of a container is necessary

1. For the proper operation of equipment, or

2. To prevent dangerous situations, such as build-up of extreme pressure.

(5) A generator shall mark or label its container with the following:

(A) The words "Hazardous Waste";

(B) The composition and physical state of the wastes;

(C) An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with Department of Transportation requirements at 49 Code of Federal Regulations part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 Code of Federal Regulations 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704];

(D) The name and address of the person generating the waste; and

(E) The date that hazardous waste accumulation begins shall be clearly marked and visible for inspection on each container used for accumulation of hazardous waste.

(6) A generator who accumulates either non-acute hazardous waste, acute hazardous waste listed in section 66261.31 or 66261.33(e) of this division or extremely hazardous waste in excess of the amounts listed in subsection (a) of this section at or near any point of generation must do the following:

(A) Comply within three consecutive calendar days with the applicable central accumulation area regulations in section 66262.16(b) or 66262.17(a), or

(B) Remove the excess from the satellite accumulation area within three consecutive calendar days to either:

1. A central accumulation area operated in accordance with the applicable regulations in section 66262.16(b) or 66262.17(a);

2. An on-site interim status or permitted treatment, storage, or disposal facility, or

3. An off-site designated facility; and

(C) During the three-consecutive-calendar-day period the generator shall continue to comply with subsections (a)(1) through (5) of this section. The generator shall mark or label the container(s) holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

(D) Except as provided in subsections (a)(6)(D)1 and (a)(6)(D)2 of this section, a process or group of processes meeting the requirements of subsection (a) of this section, shall be subject to a single 55-gallon or one-quart (if liquid) or one kilogram (if solid) accumulation limit for that process or group of processes.

1. If not all of the wastestreams generated by a single process or group of processes located within the same physical area are compatible, a separate 55-gallon or one-quart (if liquid) or one kilogram (if solid) limit shall apply to each group of wastestreams that are compatible.

2. If the generator determines that using only one 55-gallon or one-quart (if liquid) or one kilogram (if solid) container to initially accumulate specific compatible wastestreams is not practical (e.g., prevents recycling or requires unreasonable accumulation procedures) or safe from an environmental or worker/public health and safety standpoint, the generator may use a separate 55-gallon or one-quart (if liquid) or one kilogram (if solid) container for those specific compatible wastestreams. The generator's determination shall be subject to review and approval by the Department at any time.

(7) All satellite accumulation areas operated by a small quantity generator shall meet the preparedness and prevention regulations of section 66262.16(b)(8) and emergency procedures at section 66262.16(b)(9).

(8) All satellite accumulation areas operated by a large quantity generator shall meet the Preparedness, Prevention, and Emergency Procedures in article 9 of this chapter.

(9) The generator does not hold the waste on site for more than one year from the initial date of accumulation, or for longer than the applicable accumulation period specified in section 66262.16(b) or 66262.17(a) of this article, whichever occurs first. For purposes of this section, the applicable accumulation period specified in section 66262.16(b) or 66262.17(a) of this article shall start on the date the quantity limitation specified in subsection (a) of this section is reached.

Note: Authority cited: Sections 25150, 25159, 25159.5, 25179.6, and 58012, Health and Safety Code. Reference: Sections 25123.3, 25150, 25158.1, 25159, and 25159.5, Health and Safety Code; and 40 Code of Federal Regulations Section 262.15.

Add section 66262.16 to California Code of Regulations, title 22, division 4.5, chapter 12, article 1, to read as follows:

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

A small quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of chapters 14, 15, 16, and 20 of this division, or the notification requirements pursuant to Health and Safety Code section 25153.6, provided that all the conditions for exemption listed in this section are met:

(a) Generation. The generator generates in a calendar month no more than the amounts specified in the definition of "small quantity generator" in section 66260.10 of this division.

(b) Accumulation. The generator accumulates hazardous waste onsite for no more than 180 days, unless in compliance with the conditions for exemption for longer accumulation in subsections (d) and (e) of this section. The following accumulation conditions also apply:

(1) Accumulation limit. The quantity of hazardous waste accumulated onsite never exceeds 6,000 kilograms (13,200 pounds);

(2) Accumulation of hazardous waste in containers.

(A) Condition of containers. If a container holding hazardous waste is not in good condition, or if it begins to leak, the small quantity generator shall immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this section.

(B) Compatibility of waste with container. The small quantity generator shall use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

(C) Management of containers.

1. A container holding hazardous waste shall always be closed during accumulation, except when it is necessary to add or remove waste.

2. A container holding hazardous waste shall not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak.

(D) Inspections. At least weekly, the small quantity generator shall inspect central accumulation areas. The small quantity generator shall look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (b)(2)(A) of this section for remedial action required if deterioration or leaks are detected.

(E) Special conditions for accumulation of incompatible wastes.

1. Incompatible wastes, or incompatible wastes and materials (see Appendix V of chapter 15 of this division for examples) shall not be placed in the same container, unless section 66265.17(b) of this division is complied with.

2. Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material (see Appendix V of chapter 15 of this division for examples), unless section 66265.17(b) of this division is complied with.

3. A container accumulating hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

(3) Accumulation of hazardous waste in tanks.

(A) A small quantity generator of hazardous waste shall comply with the following general operating conditions:

1. Treatment or accumulation of hazardous waste in tanks shall comply with section 66265.17(b) of this division.

2. Hazardous wastes or treatment reagents shall not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

3. Uncovered tanks shall be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

4. Where hazardous waste is continuously fed into a tank, the tank shall be equipped with a means to stop this inflow (e.g., waste feed cutoff system or bypass system to a standby tank).

(B) Except as noted in subsection (b)(3)(C) of this section, a small quantity generator that accumulates hazardous waste in tanks shall inspect, where present:

1. Discharge control equipment (e.g., waste feed cutoff systems, bypass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;

2. Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;

3. The level of waste in the tank at least once each operating day to ensure compliance with subsection (b)(3)(A)3 of this section;

4. The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and

5. The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The generator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.

(C) A small quantity generator accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, shall inspect at least weekly, where applicable, the areas identified in subsection (b)(3)(B)1 through 5 of this section. Use of the alternate

inspection schedule shall be documented in the generator's operating record. This documentation shall include a description of the established workplace practices of the generator.

(D) A small quantity generator accumulating hazardous waste in tanks shall, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures. At closure, as throughout the operating period, unless the small quantity generator can demonstrate, in accordance with section 66261.3(c) or (d) of this division, that any solid waste removed from its tank is not a hazardous waste, then the generator shall manage such waste in accordance with all applicable provisions of chapters 12, 13, 15, and 18 of this division.

(E) A small quantity generator shall comply with the following special conditions for accumulation of ignitable or reactive waste:

1. Ignitable or reactive waste shall not be placed in a tank, unless:

a. The waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under section 66261.21 or 66261.23 and section 66265.17(b) of this division is complied with; or

b. The waste is accumulated or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

c. The tank is used solely for emergencies.

2. A small quantity generator which treats or accumulates ignitable or reactive waste in covered tanks shall comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1981) (incorporated by reference, see section 66260.11 of this division).

3. A small quantity generator shall comply with the following special conditions for incompatible wastes:

a. Incompatible wastes, or incompatible wastes and materials, (see Appendix V of chapter 15 of this division for examples) shall not be placed in the same tank, unless section 66265.17(b) of this division is complied with.

b. Hazardous waste shall not be placed in an unwashed tank that previously held an incompatible waste or material, unless section 66265.17(b) of this division is complied with.

(4) Labeling and marking of containers and tanks.

(A) Containers. A small quantity generator shall mark or label its containers with the following:

1. The words "Hazardous Waste";
2. The composition and physical state of the wastes;
3. An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 Code of Federal Regulations part 172, subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 Code of Federal Regulations 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704];
4. The name and address of the person generating the waste;
5. The date upon which each period of accumulation begins shall be clearly marked and visible for inspection on each container; and
6. The date the applicable accumulation period specified in subsection (b) of this section begins shall be clearly marked and visible for inspection on each container.

(B) Tanks. A small quantity generator accumulating hazardous waste in tanks shall do the following:

1. Mark or label its tanks with the words "Hazardous Waste";
2. Mark or label its tanks with an indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 Code of Federal Regulations part 172, subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 Code of Federal Regulations 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704];
3. The date the applicable accumulation period specified in subsection (b) of this section begins shall be clearly marked and visible for inspection on each tank;
4. Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering; and
5. Keep inventory logs or records with the above information on site and readily available for inspection.

(5) Land disposal restrictions. A small quantity generator shall comply with all the applicable requirements under chapter 18 of this division.

(6) Preparedness and prevention.

(A) Maintenance and operation of facility. A small quantity generator shall maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

(B) Required equipment. All areas where hazardous waste is either generated or accumulated shall be equipped with the items in subsection (b)(6)(B)1 through 4 of this section (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below). A small quantity generator may determine the most appropriate locations to locate equipment necessary to prepare for and respond to emergencies.

1. An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

2. A device, such as a telephone (immediately available at the scene of operations) or a handheld two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

3. Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

4. Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

(C) Testing and maintenance of equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure its proper operation in time of emergency.

(D) Access to communications or alarm system.

1. Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under subsection (b)(6)(B) of this section.

2. If there is ever just one employee on the premises while the facility is operating, the employee shall have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a handheld two-way radio, capable of summoning external emergency assistance, unless such a device is not required under subsection (b)(6)(B) of this section.

(E) Required aisle space. The small quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

(F) Arrangements with local authorities.

1. The small quantity generator shall attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if it is determined to be the appropriate organization with which to make arrangements.

a. A small quantity generator attempting to make arrangements with its local fire department shall determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals.

b. As part of this coordination, the small quantity generator shall attempt to make arrangements, as necessary, to familiarize the above organizations with the 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 as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

c. Where more than one police or fire department might respond to an emergency, the small quantity generator shall attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority.

2. A small quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation shall include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

3. Where state or local authorities decline to enter into such arrangements, the small quantity generator shall document the refusal in the operating record.

(7) Emergency procedures. The small quantity generator complies with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:

(A) At all times there shall be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (b)(7)(D) of this section. This employee is the emergency coordinator.

(B) The small quantity generator shall post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:

1. The name and emergency telephone number of the emergency coordinator;
2. Location of fire extinguishers and spill control material, and, if present, fire alarm; and
3. The telephone number of the fire department, unless the facility has a direct alarm.

(C) The small quantity generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies;

(D) The emergency coordinator or his or her designee shall respond to any emergencies that arise. The applicable responses are as follows:

1. In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
2. In the event of a spill, the small quantity generator is responsible for containing the flow of hazardous waste to the extent possible, and as soon as is practicable, cleaning up the hazardous waste and any contaminated materials or soil.
3. In the event of a fire, explosion, or other release that could threaten human health outside the facility or when the small quantity generator has knowledge that a spill has reached surface water, the small quantity generator shall immediately notify the National Response Center (using their 24-hour toll free number (800) 424-8802). The report shall include the following information:
 - a. The name, address, and U.S. EPA identification number of the small quantity generator;
 - b. Date, time, and type of incident (e.g., spill or fire);
 - c. Quantity and type of hazardous waste involved in the incident;
 - d. Extent of injuries, if any; and
 - e. Estimated quantity and disposition of recovered materials, if any.

(8) A small quantity generator shall not hold acutely hazardous waste or extremely hazardous waste in an amount greater than one kilogram for more than 90 days.

(c) Transporting over 200 miles. A small quantity generator who must transport its waste, or offers its waste for transportation, over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on site for 270 days or less without a permit, or without having interim status, provided that the generator complies with the conditions of subsection (b) of this section.

(d) Accumulation time limit extension. A small quantity generator that accumulates hazardous waste for more than 180 days (or for more than 270 days if it must transport its waste, or offer its waste for transportation, over a distance of 200 miles or more) is subject to the requirements of chapters 14, 15, 18, and 20 of this division unless it has been granted an extension to the 180-day (or 270-day if applicable) period. An extension may be granted by the Department if hazardous wastes shall remain on site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Department on a case-by-case basis. 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.

(e) Rejected load. A small quantity generator that sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of sections 66264.72 or 66265.72 of this division may accumulate the returned waste on site in accordance with subsections (a)-(d) of this section. Upon receipt of the returned shipment, the generator shall:

(1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

(2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

(3) Submit a copy of the signed manifest to the Department within 30 days of receipt. Mail the legible manifest copy, specifically the Designated Facility-to- Destination State manifest copy (page 1 of the manifest as provided in section 66262.21, subsection (d)) to:

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95812-3000

(f) The small quantity generator of the rejected hazardous waste shall label or mark the hazardous waste in a manner that indicates that it is rejected hazardous waste and shall include the date it was received by the generator. If the generator of the rejected hazardous waste commingles it with other hazardous wastes, the shorter of any applicable accumulation time limits shall apply to the commingled hazardous waste.

(g) The beginning of the 180-day or 270-day accumulation time period, for purposes of subsections (b) or (c) of this section, is determined as follows:

(1) If the small quantity generator does not generate more than 100 kilograms of non-acute hazardous waste or one kilogram of acutely hazardous waste (listed in sections 66261.31 and 66261.33(e)) or one kilogram of extremely hazardous waste during any calendar month, the 180-day or 270-day accumulation time period begins on the date the generator has accumulated 100 kilograms of hazardous waste or one kilogram of acutely hazardous waste or one kilogram of extremely hazardous waste.

(2) If the small quantity generator generates more than 100 kilograms of non-acute hazardous waste during any calendar month, the 180-day or 270-day accumulation time period begins when any amount of hazardous waste first begins to accumulate in that month.

Note: Authority cited: Sections 25150, 25159, 25159.5, 25179.6, and 58012, Health and Safety Code. Reference: Sections 25123.3, 25150, 25158.1, 25159, and 25159.5, Health and Safety Code; and 40 Code of Federal Regulations Section 262.16.

Add section 66262.17 to California Code of Regulations, title 22, division 4.5, chapter 12, article 1, to read as follows:

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

A large quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of chapters 14, 15, 16, and 20 of this division, or the notification requirements pursuant to Health and Safety Code section 25153.6, provided that all the following are met:

(a) Accumulation. A large quantity generator accumulates hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension in subsection (b) of this section or section 66262.35 of this article. The following accumulation conditions also apply:

(1) Accumulation of hazardous waste in containers. If the hazardous waste is placed in containers, the large quantity generator shall comply with the following:

(A) Air emission standards. The applicable requirements of articles 27, 28, and 28.5 of chapter 15 of this division;

(B) Condition of containers. If a container holding hazardous waste is not in good condition, or if it begins to leak, the large quantity generator shall immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this section;

(C) Compatibility of waste with container. The large quantity generator shall use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired;

(D) Management of containers.

1. A container holding hazardous waste shall always be closed during accumulation, except when it is necessary to add or remove waste.

2. A container holding hazardous waste shall not be opened, handled, or stored in a manner which may rupture the container or cause it to leak. Re-use of containers for transportation shall comply with the requirements of the U.S. Department of Transportation regulations, including those set forth in 49 Code of Federal Regulations section 173.28.

(E) Inspections. At least weekly, the large quantity generator shall inspect central accumulation areas. The large quantity generator shall look for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors. Large quantity generators shall follow (a)(1)(B) of this section for remedial action required if deterioration or leaks are detected.

(F) Special conditions for accumulation of ignitable and reactive wastes.

1. Containers holding ignitable or reactive waste shall be located at least 15 meters (50 feet) from the facility's property line.

2. The large quantity generator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste shall be separated and protected from sources of ignition or reaction including but not limited to the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the large quantity generator shall confine smoking and open flame to specially designated locations. "No Smoking" signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(G) Special conditions for accumulation of incompatible wastes.

1. Incompatible wastes, or incompatible wastes and materials, (see Appendix V of chapter 15 of this division for examples) shall not be placed in the same container, unless subsection 66265.17(b) is complied with.

2. Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material (see Appendix V of chapter 15 of this division for examples), unless section 66265.17(b) is complied with.

3. A container holding a hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

(2) Accumulation of hazardous waste in tanks. If the waste is placed in tanks, the large quantity generator shall comply with the requirements of article 10 of chapter 15, except subsections 66265.197(c) of Closure and Post-Closure Care and section 66265.200—Waste Analysis and Trial Tests, as well as the requirements of articles 27, 28, and 28.5 of chapter 15 of this division.

(3) Accumulation of hazardous waste on drip pads. If the hazardous waste is placed on drip pads, the large quantity generator shall comply with the following:

(A) Applicable requirements of articles 17.5, 27, 28 and 28.5 of chapter 15;

(B) The large quantity generator shall remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that are removed from the drip pad are then subject to the 90-day accumulation limit in subsection (a) of this section and section 66262.15, if the hazardous wastes are being managed in satellite accumulation areas prior to being moved to a central accumulation area; and

(C) The large quantity generator shall maintain on site at the facility the following records readily available for inspection:

1. A written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

2. Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

(4) Accumulation of hazardous waste in containment buildings. If the waste is placed in containment buildings, the large quantity generator shall comply with article 29 of chapter 15 of this division. The generator shall label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site, and also in a conspicuous place provide an indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e.,

ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 Code of Federal Regulations part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 Code of Federal Regulations 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704.] The generator shall also maintain:

(A) The professional engineer certification that the building complies with the design standards specified in section 66265.1101. This certification shall be in the generator's files prior to operation of the unit; and

(B) The following records by use of inventory logs, monitoring equipment, or any other effective means:

1. A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with respecting the 90-day limit, and documentation that the procedures are complied with;
or

2. Documentation that the unit is emptied at least once every 90 days.

3. Inventory logs or records with the above information shall be maintained on site and readily available for inspection.

(5) Labeling and marking of containers and tanks

(A) Containers. A large quantity generator shall mark or label its containers with the following:

1. The words "Hazardous Waste";

2. The composition and physical state of the wastes;

3. An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 Code of Federal Regulations part 172, subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 Code of Federal Regulations 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704];

4. The name and address of the person generating the waste;

5. The date upon which each period of accumulation begins shall be clearly marked and visible for inspection on each container; and

6. The date the applicable accumulation period specified in subsection (a) of this section begins shall be clearly marked and visible for inspection on each container.

(B) Tanks. A large quantity generator accumulating hazardous waste in tanks shall do the following:

1. Mark or label its tanks with the words "Hazardous Waste";

2. Mark or label its tanks with an indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 Code of Federal Regulations part 172, subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 Code of Federal Regulations 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704];

3. The date the applicable accumulation period specified in subsection (a) of this section begins shall be clearly marked and visible for inspection on each tank;

4. Use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering; and

5. Keep inventory logs or records with the above information on site and readily available for inspection.

(6) Emergency procedures. The large quantity generator complies with the standards in article 9 of this chapter, Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators.

(7) Personnel training.

(A)1. The large quantity generator shall ensure that facility personnel successfully complete a training program through classroom, computer-based, or electronic instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility's compliance with the requirements of this chapter and section 5192, subsection (p), of Title 8, California Code of Regulations. Facility personnel engaged in shipping hazardous waste shall be triennially trained commensurate with their responsibilities to meet the requirements in section 172.704 of Title 49, Code of Federal Regulations. The large quantity generator shall ensure that this training program includes all the elements described in the documents required under subsection (a)(7)(D) of this section.

2. Hazardous waste management training program shall be directed by a person trained in hazardous waste management procedures and shall include instruction that teaches facility personnel hazardous waste management procedures (including, but not limited to, contingency plan implementation and the identification and segregation of incompatible hazardous waste or product) relevant to the positions in which they are employed.

3. At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including all of the following where applicable:

a. Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

b. Key parameters for automatic waste feed cut-off systems;

c. Communications or alarm systems;

d. Response to fires or explosions;

e. Response to groundwater contamination incidents;

f. Shutdown of operations;

g. Self-protection measures; and

h. Accident prevention methods.

4. The training program must also be designed to ensure the following every 24 months:

a. General awareness training. The large quantity generator shall ensure all facility personnel successfully complete training that provides a description of the facility, and an overview of the facility and facility operations that are subject to this chapter, including, but not limited to, security and safety considerations; and

b. Function-specific job training. The large quantity generator shall ensure all facility personnel who are involved with hazardous waste management activities successfully complete training concerning the requirements of this chapter and any relevant hazardous waste procedures applicable to job tasks and functions performed by the facility personnel.

(B) The large quantity generator shall ensure that facility personnel successfully complete the program required in subsection (a)(7)(A) of this section within six months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. Employees shall not work in unsupervised positions until they have completed the training requirements of subsection (a)(7)(A) of this section.

(C) The large quantity generator shall ensure that facility personnel take part in an annual review of the initial training required in subsection (a)(7)(A) of this section.

(D) The training records required by this subsection must demonstrate compliance with subsection (a)(7)(A) and include the specific elements set out in subsection (a)(7)(D)1 through 4. The large quantity generator shall maintain the following documents and records at the facility:

1. The job title for each position at the facility related to hazardous waste management, and the name of the facility personnel filling each job;

2. A written job description for each position listed under subsection (a)(7)(D)1 of this section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;

3. A written description, including a syllabus and/or outline, of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under subsection (a)(7)(D)1 of this section; and

4. Facility personnel -signed or -certified records that document that the training required under subsections (a)(7)(A), (B), and (C) of this section has been given to, and completed by, each facility personnel.

(E) The large quantity generator shall maintain training records on current personnel until closure of the facility. Training records on former employees shall be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

(8) Closure. A large quantity generator accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing a unit at the facility, or prior to closing the facility, shall meet the following conditions:

(A) Notification for closure of a waste accumulation unit. A large quantity generator shall perform one of the following when closing a waste accumulation unit:

1. Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility; or

2. Meet the closure performance standards of subsection (a)(8)(C) of this section for container, tank, and containment building waste accumulation units or subsection (a)(8)(D) of this section for drip pads, and notify the Department following the procedures in subsection (a)(8)(B)2 of this section for the waste accumulation unit. If the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record.

(B) Notification for closure of the facility.

1. A large quantity generator of RCRA hazardous waste shall notify the Department using form 8700-12 no later than 30 days prior to closing the facility.

2. A large quantity generator of RCRA hazardous waste shall notify the Department using form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of subsection (a)(8)(C) or (D) of this section. If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (D) of this section, notify the Department using form 8700-12 that it will close as a landfill under section 66265.310 of this division in the case of a container, tank, or containment building unit(s) or, for a facility with drip pads, notify using form 8700-12 that it will close under the standards of section 66265.445(b) of this division.

3. A large quantity generator of RCRA hazardous waste may request additional time to clean close, but it shall notify the Department using form 8700-12 within 75 days after the date provided in subsection (a)(8)(B)1 of this section to request an extension and provide an explanation as to why the additional time is required.

(C) Closure performance standards for container, tank systems, and containment building waste accumulation units.

1. At closure, the generator shall close the waste accumulation unit or facility in a manner that:

a. Minimizes the need for further maintenance by controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere; and

b. Removes or decontaminates all contaminated equipment, structures, and soil and any remaining hazardous waste residues from waste accumulation units including containment system components (e.g., pads, liners), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless section 66261.3(d) of this division applies.

c. Any hazardous waste generated in the process of closing either the generator's facility or unit(s) accumulating hazardous waste shall be managed in accordance with all applicable standards of chapters 12, 13, 15 and 18 of this division, including removing any hazardous waste contained in these units within 90 days of generating it and managing these wastes in a hazardous waste permitted transfer, treatment, storage, and disposal facility or interim status facility.

d. If the generator demonstrates that any contaminated soils and wastes cannot be practicably removed or decontaminated as required in subsection (a)(8)(B)1.b of this

section, then the waste accumulation unit is considered to be a landfill and the generator shall close the waste accumulation unit and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (section 66265.310 of this division). In addition, for the purposes of closure, post-closure, and financial responsibility, such a waste accumulation unit is then considered to be a landfill, and the generator shall meet all of the requirements for landfills specified in articles 7 and 8 of chapter 15 of this division.

(D) Closure performance standards for drip pad waste accumulation units. At closure, the generator shall comply with the closure requirements of subsections (a)(8)(B) and (a)(8)(C)1.a and c of this section, and subsections 66265.445(a) and (b) of this division.

(E) The closure requirements of subsection (a)(8) of this section do not apply to satellite accumulation areas.

(9) Land disposal restrictions. The large quantity generator shall comply with all applicable requirements under chapter 18 of this division.

(b) Accumulation time limit extension. A large quantity generator that accumulates hazardous waste for more than 90 days is subject to the requirements of chapters 14, 15, 16, 18, and 20 of this division, or the notification requirements pursuant to Health and Safety Code section 25153.6, unless the generator has been granted an extension to the 90-day period. An extension may be granted by the Department if hazardous wastes must remain on site for longer than 90 days due to unforeseeable, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Department on a case-by-case basis. An extension may be granted pursuant to section 66262.35 if non-RCRA or RCRA-exempt hazardous wastes must remain on site for longer than 90 days.

(c) Rejected load. A large quantity generator that sends a shipment of hazardous waste to a designated facility, with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of sections 66264.72 or 66265.72 of this division, may accumulate the returned waste onsite in accordance with subsections (a) and (b) of this section. Upon receipt of the returned shipment, the generator shall:

(1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

(2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

(3) Submit a copy of the signed manifest to the Department within 30 days of receipt. Mail the legible manifest copy, specifically the Designated Facility-to-Destination State

manifest copy (Page 1 of the manifest as provided in section 66262.21, subsection (d)) to:

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(d) The large quantity generator of the rejected hazardous waste shall label or mark the hazardous waste in a manner that indicates that it is rejected hazardous waste and shall include the date it was received by the generator. If the generator of the rejected hazardous waste commingles it with other hazardous wastes, the shorter of any applicable accumulation time limits shall apply to the commingled hazardous waste.

(e) The 90-day accumulation time period, for purposes of subsections (a) or (b) of this section, begins when any amount of hazardous waste first begins to accumulate in that month.

Note: Authority cited: Sections 25150, 25159, 25159.5, 25179.6, and 58012, Health and Safety Code. Reference: Sections 25123.3, 25150, 25158.1, 25159, and 25159.5, Health and Safety Code; and 40 Code of Federal Regulations Section 262.17.

Add section 66262.18 to California Code of Regulations, title 22, division 4.5, chapter 12, article 1 to read as follows:

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

(a) Except as specified in (f), a generator shall not treat, store, dispose of, transport or offer for transportation, hazardous waste without having received a U.S. EPA Identification Number from the Department.

(b) A generator who has not received a U.S. EPA Identification Number shall obtain one by applying to the Department using U.S. EPA form 8700-12. Upon receiving the request, the Department will assign a U.S. EPA Identification Number to the generator.

(c) A generator shall not offer its hazardous waste to transporters or to transfer, treatment, storage or disposal facilities that have not received a U.S. EPA Identification Number.

(d) Re-notification.

(1) A small quantity generator of RCRA hazardous waste shall re-notify the Department starting in 2023 and every four years thereafter using EPA form 8700-12. This re-notification shall be submitted by September 1 of each year in which re-notifications are required.

(2) A large quantity generator of RCRA hazardous waste shall re-notify the Department by March 1 of each even-numbered year thereafter using EPA form 8700-12. A large quantity generator may submit this re-notification as part of its Biennial Report required under section 66262.41.

(e) A recognized trader shall not arrange for import or export of hazardous waste without having received a U.S. EPA Identification Number.

(f) Generators who generate no more than 100 kilograms of waste per month that is hazardous solely due to the presence of silver in the waste pursuant to Health and Safety Code section 25143.13 are not required to obtain a U.S. EPA Identification Number.

Note: Authority cited: Sections 25150, 25159, 25159.5, 25179.6, and 58012, Health and Safety Code. Reference: Sections 25123.3, 25150, 25158.1, 25159, and 25159.5, Health and Safety Code; and 40 Code of Federal Regulations Section 262.18.

Amend section 66262.32 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 3, to read as follows:

Section 66262.32. Marking.

(a) Before transporting or offering hazardous waste for transportation off-site, a generator shall mark each package of hazardous waste in accordance with the applicable Department of Transportation regulations on hazardous materials under Title 49 Code of Federal Regulations Part 172;

~~(b)(1) Before September 5, 2006, and before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall mark each container of 110 gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of Title 49 Code of Federal Regulations section 172.304:~~

~~HAZARDOUS WASTE State and Federal Law Prohibit Improper Disposal. If found, contact the nearest police or public safety authority, the U.S. Environmental Protection Agency or the California Department of Toxic Substances Control.~~

~~Generator's Name and Address _____.~~

~~Manifest Document Number _____.~~

~~(2) On and after September 5, 2006, b~~Before transporting hazardous waste or offering hazardous waste for transportation offsite, a generator shall mark each container of 119 gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of 49 Code of Federal Regulations section 172.304:

(1) HAZARDOUS WASTE-State and Federal Law Prohibit Improper Disposal. If found, contact the nearest police or public safety authority, the U.S. Environmental Protection Agency or the California Department of Toxic Substances Control.

(2) Generator's Name and Address _____.

(3) Generator's EPA Identification Number _____.

(4) Manifest Tracking Number _____.

(5) EPA Hazardous Waste Number(s) _____.

Note: Authority cited: Sections 25150, 25159, 25161 and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 Code of Federal Regulations Section 262.32; 49 Code of Federal Regulations section 172.304; and 49 Code of Federal Regulations Part 172.

Repeal section 66262.34 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 3, as follows:

~~Section 66262.34. Accumulation Time.~~

~~(a) Except as provided in subsections (c) and (d) of this section and section 66262.35, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status, provided that:~~

~~(1)(A) the waste is placed in containers and the generator complies with the applicable requirements of articles 9, 27, 28 and 28.5 of chapter 15 of this division, or the waste is placed in tanks and the generator complies with articles 10, 27, 28, and 28.5 of chapter 15 of this division, except sections 66265.197(c) and 66265.200. In addition, such a generator is exempt from all the requirements in articles 7 and 8 of chapter 15 of this division, except for sections 66265.111 and 66265.114; or~~

~~(B) the waste is placed on drip pads and the generator complies with the applicable requirements of articles 17.5, 27, 28 and 28.5 of chapter 15 and maintains the following records at the facility:~~

~~1. a description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and~~

~~2. documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; and/or~~

~~(C) the waste is placed in containment buildings and the generator complies with article 29 of Chapter 15 of this division, has placed its professional engineer (PE) certification that the building complies with the design standards specified in 66265.1101 in the facility's operating record no later than 60 days after the date of initial operation of the~~

unit. After February 18, 1993, PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

1. a written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit, and documentation that the procedures are complied with; or

2. documentation that the unit is emptied at least once every 90 days; and

(2) the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; and

(3) the generator complies with the requirements of subsection (f) of this section; and

(4) the generator complies with the requirements for owners or operators in articles 3 and 4 of chapter 15 of this division and with section 66265.16, and with section 66268.7(a)(5).

(b) The beginning of the 90 day period specified in subsections (a) and (c) of this section is determined as follows:

(1) if the generator does not generate more than 100 kilograms of hazardous waste or one kilogram of acutely hazardous waste (listed in section 66261.33(e)) or one kilogram of extremely hazardous waste during any calendar month, the 90 day period begins on the date the generator has accumulated 100 kilograms of hazardous waste or one kilogram of acutely hazardous waste or one kilogram of extremely hazardous waste;

(2) if the generator generates more than 100 kilograms of hazardous waste or one kilogram of acutely hazardous waste or one kilogram of extremely hazardous waste during any calendar month, the 90 day period begins on the first date on which any amount of hazardous waste begins to accumulate during that month.

(c) A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of chapters 14 and 15 of this division and the permit requirements of chapter 20 of this division, unless the generator has been granted an extension to the 90-day period or meets the requirements of subsection (d) or (e) of this section. An extension may be granted pursuant to section 66262.35 if non-RCRA or RCRA exempt hazardous wastes must remain on-site for longer than 90 days. An extension may be granted by the Department if RCRA hazardous wastes must remain onsite for longer than 90 days due to unforeseeable, temporary, and uncontrollable circumstances. An extension of up to 30 days for RCRA hazardous waste may be granted at the discretion of the Department on a case-by-case basis.

(d) Notwithstanding subsections (a) and (c) of this section and section 66262.35, a generator of less than 1,000 kilograms of hazardous waste in any calendar month who

~~accumulates hazardous waste onsite for 180 days or less, or 270 days or less if the generator transports the generator's own waste, or offers the generator's waste for transportation, over a distance of 200 miles or more, for offsite treatment, storage, or disposal, is not a storage facility if all of the following apply:~~

~~(1) The quantity of hazardous waste accumulated onsite never exceeds 6,000 kilograms.~~

~~(2) The generator complies with the requirements of 40 Code of Federal Regulations section 262.34(d), (e) and (f).~~

~~(3) The generator does not hold acutely hazardous waste or extremely hazardous waste in an amount greater than one kilogram for more than 90 days.~~

~~(e)(1) A generator may accumulate as much as 55 gallons of hazardous waste, one quart of acutely hazardous waste (listed in section 66261.33(e)) or one quart of extremely hazardous waste at or near any point of generation, without a permit or grant of interim status, without complying with subsections (a), (b) and (c) of this section, if all of the following requirements are met with respect to this waste:~~

~~(A) the waste is accumulated in containers, other than tanks, at the initial accumulation point which is at or near the area where the waste is generated and which is under the control of the operator of the process generating the waste;~~

~~(B) the generator does not hold the waste onsite for more than one year from the initial date of accumulation, or for longer than the applicable accumulation period specified in subdivision (a) or (d), whichever occurs first. For purposes of this subdivision, the applicable accumulation period specified in subdivision (a) or (d) shall start on the date the quantity limitation specified in paragraph 1 of subsection (e) of this section is reached;~~

~~(C) the initial date of waste accumulation is clearly marked and visible for inspection on each container used for accumulation of hazardous waste;~~

~~(D) the generator complies with sections 66265.171, 66265.172, and 66265.173(a) of this division; and~~

~~(E) the generator complies with subsections (e)(2), (e)(3) and (f)(3) of this section.~~

~~(2) Except as provided in subsections (e)(2)(A) and (e)(2)(B) of this section, a process or group of processes meeting the requirements of subsection (e)(1) of this section, shall be subject to a single 55 gallon or one quart accumulation limit for that process or group of processes.~~

~~(A) If not all of the wastestreams generated by a single process or group of processes located within the same physical area are compatible, a separate 55 gallon or one quart limit shall apply to each group of wastestreams that are compatible.~~

~~(B) If the generator determines that using only one 55-gallon or one quart container to initially accumulate specific compatible wastestreams is not practical (e.g., prevents recycling or requires unreasonable accumulation procedures) or safe from an environmental or worker/public health and safety standpoint, the generator may use a separate 55-gallon or one quart container for those specific compatible wastestreams. The generator's determination shall be subject to review and approval by the Department at any time.~~

~~(3) A generator who has accumulated an amount of hazardous waste, acutely hazardous waste or extremely hazardous waste equal to any applicable quantity limitation listed in subsection (e)(1) of this section at or near any point of generation shall, with respect to that waste, comply within three days with subsection (a) of this section and other applicable provisions of this division. During the three day period the generator shall continue to comply with subsection (e)(1) of this section. Within the three day period, the generator shall mark the container holding the hazardous waste with the date the applicable quantity limitation was reached.~~

~~(f) Generators who accumulate hazardous waste on site without a permit or grant of interim status shall comply with the following requirements:~~

~~(1) the date upon which each period of accumulation begins shall be clearly marked and visible for inspection on each container and portable tank;~~

~~(2) the date the applicable accumulation period specified in subsection (a) or (d) of this section begins, for purposes of subsections (a) and (b) of this section, shall be clearly marked and visible for inspection on each container and tank; and~~

~~(3) each container and tank used for onsite accumulation of hazardous waste shall be labeled or marked clearly with the words, "Hazardous Waste." Additionally, all containers and portable tanks shall be labeled with the following information:~~

~~(A) composition and physical state of the wastes;~~

~~(B) statement or statements which call attention to the particular hazardous properties of the waste (e.g., flammable, reactive, etc.);~~

~~(C) name and address of the person producing the waste.~~

~~(g) This subsection takes effect on September 5, 2006. Except as provided in Health and Safety Code section 25160.6, subdivision (e), a generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of sections 66264.72 or 66265.72 may accumulate the returned waste onsite for 90 days or less, in accordance with the requirements of paragraph (1) of subsection (a) of this section. Upon receipt of the returned shipment, the generator shall:~~

- ~~(1) sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or~~
- ~~(2) sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest;~~
- ~~(3) submit a copy of the signed manifest to the department within 30 days of receipt. Mail the legible manifest copy, specifically the Designated Facility to Destination State manifest copy (Page 1 of the manifest as provided in section 66262.21, subsection (d)) to:~~

~~DTSC FACILITY MANIFESTS~~

~~P.O. BOX 3000, SACRAMENTO, CA~~

~~95812-3000~~

~~(h) The generator of the rejected hazardous waste shall label or mark the hazardous waste in a manner that indicates that it is rejected hazardous waste and shall include the date it was received by the generator. If the generator of the rejected hazardous waste commingles it with other hazardous wastes, the shorter of any applicable accumulation time limits shall apply to the commingled hazardous waste.~~

~~(i) When making the quantity determinations for purposes of this section, a generator shall include all hazardous waste that it has generated in any month, except for hazardous wastes that are managed as universal wastes pursuant to the requirements of Chapter 23 of this Division.~~

~~Note: Authority cited: Sections 25150, 25159, 25159.5, 25160.6, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25123.3, 25150, 25158.1, 25159, 25159.5, 25160.6 and 58012, Health and Safety Code; and 40 Code of Federal Regulations Section 262.34.~~

Amend section 66262.35 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 3, to read as follows:

Section 66262.35. Extension(s) to Accumulation Time.

(a) A generator may accumulate non-RCRA or RCRA exempt hazardous waste for longer than the time periods specified in ~~section 66262.34(a) or (d)~~ 66262.16(b) or 66262.17(a) under the following conditions:

(1) if hazardous wastes shall remain on site for longer than the applicable time specified in ~~section 66262.34(a) or (d)~~ 66262.16(b) or 66262.17(a) due to unforeseeable, temporary, and uncontrollable circumstances, a one-time extension of up to 90 days is automatically granted if all of the following conditions are met.

(A) The generator submits a letter, by certified mail with return receipt requested, to the Certified Unified Program Agency (CUPA) notifying the CUPA of the extension. If the

generator is located in a jurisdiction with no CUPA, then the notification letter shall be submitted to the officer or agency authorized pursuant to subdivision (f) of Health and Safety Code section 25404.3 to implement and enforce the requirements of Health and Safety Code section 25404(c)(1). The letter shall be received by the CUPA or authorized officer or agency prior to the generator exceeding the applicable time specified in section ~~66262.34(a) or (d)~~ 66262.16(b) or 66262.17(a). In the letter the generator shall provide all of the following information:

1. A certification signed by the generator certifying that:
 - a. the eligibility requirements and the conditions for the extension are met; and
 - b. hazardous waste is not accumulated in waste piles; and
 - c. where hazardous waste is accumulated in tank systems, the generator complies with ~~Title 22, CCR, chapter 15, article 10~~, sections 66265.190 through 66265.200, except 66265.197(c) of this division; and
 - d. where hazardous waste is accumulated in containers, the generator complies with ~~Title 22, CCR, chapter 15, article 9~~, sections 66265.170 through 66265.177 of this division; and
 - e. where hazardous waste is accumulated on drip pads, the generator complies with ~~Title 22, CCR, chapter 15, article 17.5~~ sections 66265.440 through 66265.445 of this division; and
 - f. where hazardous waste is accumulated in containment buildings, the generator complies with ~~Title 22, CCR, chapter 15, article 29~~, sections 66265.1100 through 66265.1102 of this division; and
 - g. hazardous waste will be managed in accordance with all requirements of chapters 14 and 15 of this division applicable to generators, except those specifically excluded elsewhere in this section.

4. A detailed explanation of why the extension is needed. This shall include at a minimum: a description of the hazardous wastestream(s) for which the extension is being requested, the maximum quantity to be stored over the applicable time limits specified in ~~Section 66262.34(a) or (d)~~ 66262.16(b) or 66262.17(a), an explanation of how the wastestream is generated, and the start and end dates of the 90-day extension period.

(2) One or more 90-day extension(s) may be granted at the discretion of the CUPA, or if no CUPA then at the discretion of the authorized officer or agency in that jurisdiction, on a case-by-case basis if all of the following conditions are met:

(A) The generator submits a letter, by certified mail with return receipt requested, to the CUPA, or if no CUPA then to the authorized officer or agency in that jurisdiction, requesting the extension. The letter shall be received by the CUPA or authorized officer or agency prior to the generator exceeding the accumulation time specified in ~~Section 66262.34(a) or (d)~~ 66262.16(b) or 66262.17(a). In the letter the generator shall provide the information and certification listed in (a)(1)(A);

(B) The hazardous waste is not accumulated in waste piles;

(C) The generator meets one of the following circumstances:

1. There is a lack of off-site treatment capacity, off-site disposal capacity, or a treatment process for the generator's hazardous waste. The generator shall submit documentation to the CUPA, or if no CUPA then to the authorized officer or agency in that jurisdiction, verifying attempts to locate an appropriate offsite treatment or disposal facility for the hazardous waste and list the names, addresses, and phone numbers of all the disposal and or treatment facilities that have been contacted.

5. Generators that have already qualified for one 90-day extension beyond the applicable time specified in ~~Section 66262.34(a) or (d)~~ 66262.16(b) or 66262.17(a) under section (a)(1)(A) above, but still require more time due to unforeseeable, temporary, and uncontrollable circumstances.

6. Other good cause as determined by the CUPA, or if no CUPA then by the authorized officer or agency in that jurisdiction.

Note: Authority cited: Sections 25150, 25159, 25159.5 and 58012, Health and Safety Code. Reference: Sections 25123.3, 25150, 25159, 25159.5 and 58012, Health and Safety Code.

Amend section 66262.41 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 4, to read as follows:

Section 66262.41. Biennial Report for Large Quantity Generators.

(a) Only generators who are required under 40 Code of Federal Regulations section 262.41 to prepare and submit this report are subject to this section. This report is to be submitted on U.S. EPA Form 8700 13A/B provided by the Department. Generators required to submit this report for activities conducted during an odd-numbered year (reporting year) are generators who meet any of the following criteria:

(b) A generator who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who ships any hazardous waste offsite to a transfer,

treatment, storage or disposal facility within the United States shall ~~prepare complete~~ and submit a single copy of a Biennial Report, U.S. EPA Form 8700-13A/B to the Department by March 1 of each even-numbered year. The Biennial Report shall be submitted on forms provided by the Department and shall cover generator activities during the previous calendar year, and shall include the following information:

(c) Any generator who treats, stores or disposes of hazardous waste onsite shall complete and submit an annual report covering those wastes in accordance with the provisions of chapters 20, 14, 15, and 16, and 20 of this division. Reporting for exports of hazardous waste is not required on the Biennial Report form. A separate annual report requirement is set forth in 40 Code of Federal Regulations section 262.83(g) and section 66262.83 for hazardous waste exporters.

(d) Exports of hazardous waste to foreign countries are not required to be reported on the Biennial Report form. A separate annual report requirement is set forth in 40 Code of Federal Regulations section 262.83(g) and section 66262.83 for hazardous waste exporters.

(de) Additional information concerning the quantities and disposition of wastes identified or listed in chapter 11 shall be required as needed by the Department or U.S. EPA Administrator.

Note: Authority cited: Sections 208, 25150, 25159 and 25161, Health and Safety Code. Reference: Sections 25159, 25159.5, 25160 and 25244.4, Health and Safety Code; and 40 CFR Section 262.41.

Add article 9 to California Code of Regulations, title 22, division 4.5, chapter 12, to read as follows:

Article 9. Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators.

Section 66262.250. Applicability.

The regulations of this article apply to those areas of a large quantity generator where hazardous waste is generated or accumulated onsite.

Note: Authority cited: Sections 208, 25150, and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.250.

Section 66262.251. Maintenance and Operation of the Facility.

A large quantity generator shall maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of

hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

Note: Authority cited: Sections 208, 25150, and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.251.

Section 66262.252. Required Equipment.

All areas deemed applicable by section 66262.250 shall be equipped with the items in subsections (a) through (d) of this section (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual hazardous waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below):

(a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

(b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

(c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

(d) Water at adequate volume and pressure to supply water hose streams, or foam-producing equipment, or automatic sprinklers, or water spray systems.

Note: Authority cited: Sections 208, 25150, and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.252

Section 66262.253. Testing and Maintenance of Equipment.

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure its proper operation in time of emergency.

Note: Authority cited: Sections 208, 25150, and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.253.

Section 66262.254. Access to Communications or Alarm System.

(a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the Department has ruled that such a device is not required under section 66262.252.

(b) In the event there is just one employee on the premises while the facility is operating, the employee shall have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless the Department has ruled that such a device is not required under section 66262.252.

Note: Authority cited: Sections 208, 25150, and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.254.

Section 66262.255. Required Aisle Space.

The large quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the Department that aisle space is not needed for any of these purposes.

Note: Authority cited: Sections 208, 25150, and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.255.

Section 66262.256. Arrangements with Local Authorities.

(a) The large quantity generator shall attempt to make the following arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if it is determined to be the appropriate organization with which to make arrangements.

(1) A large quantity generator attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals.

(2) As part of this coordination, the large quantity generator shall attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of the hazardous waste handled at the facility and associated hazards, places where personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes as well as the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

(3) Where more than one police or fire department might respond to an emergency, the large quantity generator shall attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority.

(b) The large quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation shall include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

(c) Where state or local authorities decline to enter into such arrangements, the large quantity generator shall document the refusal in the operating record.

Note: Authority cited: Sections 208, 25150, and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.256.

Section 66262.260. Purpose and Implementation of Contingency Plan.

(a) A large quantity generator shall have a contingency plan for the facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

(b) The provisions of the plan shall be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

Note: Authority cited: Sections 208, 25150, and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.260.

Section 66262.261. Content of Contingency Plan.

(a) The contingency plan shall describe the actions facility personnel shall take to comply with sections 66262.260 and 66262.265 in response to fires, explosions, or any

unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

(b) If the large quantity generator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 Code of Federal Regulations part 112, or some other emergency or contingency plan, the generator need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of this chapter.

(c) The plan shall describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee, pursuant to section 66262.256.

(d) The plan shall list names, addresses, and emergency telephone numbers of all persons qualified to act as emergency coordinator (see section 66262.264), and this list shall be kept up to date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates. In situations where the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor) as well as an emergency telephone number that can be guaranteed to be answered at all times.

(e) The plan shall include a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment], where this equipment is required. This list shall be kept up to date. In addition, the plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.

(f) The plan shall include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan shall describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

(g) The plan shall include the current telephone number of the state Office of Emergency Services.

Note: Authority cited: Sections 208, 25150, and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.261.

Section 66262.262. Copies of Contingency Plan.

A copy of the contingency plan and all revisions to the plan shall be maintained at the large quantity generator facility and:

(a) The large quantity generator shall submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services).

(b) A large quantity generator that first becomes subject to these provisions after **Insert effective date of these regulations** or a large quantity generator that is otherwise amending its contingency plan shall at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at subsection (a) of this section or, as appropriate, the Local Emergency Planning Committee. The quick reference guide shall include the following elements:

(1) The types/names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid);

(2) The estimated maximum amount of each hazardous waste that may be present at any one time;

(3) The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff;

(4) A map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes;

(5) A street map of the facility in relation to surrounding businesses, schools, and residential areas to understand how best to get to the facility and also evacuate citizens and workers;

(6) The locations of water supply (e.g., fire hydrant and its flow rate);

(7) The identification of onsite notification systems (e.g., a fire alarm that rings onsite, smoke alarms); and

(8) The name of the emergency coordinator(s) and 7/24-hour emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

(c) Generators shall update, if necessary, their quick reference guides, whenever the contingency plan is amended and submit these documents to the local emergency responders identified at subsection (a) of this section or, as appropriate, the Local Emergency Planning Committee.

Note: Authority cited: Sections 208, 25150, and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.262.

Section 66262.263. Amendment of Contingency Plan.

The contingency plan shall be reviewed, and immediately amended, if necessary, whenever:

(a) Applicable regulations are revised;

(b) The plan fails in an emergency;

(c) The generator facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;

(d) The list of emergency coordinators changes; or

(e) The list of emergency equipment changes.

Note: Authority cited: Sections 208, 25150, and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.263.

Section 66262.264. Emergency Coordinator.

At all times, there shall be at least one employee either on the generator's premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures and implementing the necessary emergency procedures outlined in section 66262.265. Although responsibilities may vary depending on factors such as type and variety of hazardous waste(s) handled by the facility, as well as type and complexity of the facility, this emergency coordinator shall be thoroughly familiar with all aspects of the generator's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility's layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan.

Note: Authority cited: Sections 208, 25150, and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.264.

Section 66262.265. Emergency Procedures.

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the emergency coordinator's designee when the emergency coordinator is on call) shall immediately:

(1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(2) Notify appropriate state or local agencies with designated response roles if their help is needed.

(b) Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of the facility records or manifests and, if necessary, by chemical analysis.

(c) Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment shall consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, the emergency coordinator shall report the findings as follows:

(1) If the emergency coordinator's assessment indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities. The emergency coordinator shall be available to help appropriate officials decide whether local areas should be evacuated; and

(2) The emergency coordinator shall immediately 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) and, in every situation, immediately notify the state Office of Emergency Services. The report shall include:

(A) Name and telephone number of reporter;

(B) Name and address of the generator;

(C) Time and type of incident (e.g., release, fire);

(D) Name and quantity of material(s) involved, to the extent known;

(E) The extent of injuries, if any; and

(F) The possible hazards to human health, or the environment, outside the facility.

(e) During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the generator's facility. These measures shall include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers.

(f) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(g) Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the generator can demonstrate, in accordance with section 66261.3(c) or (d) of this division, that the recovered material is not a hazardous waste, then it is a newly generated hazardous waste that shall be managed in accordance with all the applicable requirements and conditions for exemption in chapters 12, 13 and 15 of this division.

(h) The emergency coordinator shall ensure that, in the affected area(s) of the facility:

(1) No waste that may be incompatible with the released material is transferred, treated, stored, or disposed of until cleanup procedures are completed; and

(2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(i) The generator shall notify the Department, and appropriate state and local authorities, that the facility is in compliance with subsection (h) of this section before operations are resumed in the affected area(s) of the facility.

(j) The generator shall note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the generator shall submit a written report on the incident to the Department. The report shall include:

(1) Name, address, and telephone number of the generator;

(2) Date, time, and type of incident (e.g., fire, explosion);

(3) Name and quantity of material(s) involved;

(4) The extent of injuries, if any;

(5) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(6) Estimated quantity and disposition of recovered material that resulted from the incident.

Note: Authority cited: Sections 208, 25150, and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.265.

Amend section 66263.43 of the California Code of Regulations, title 22, division 4.5, chapter 13, article 4, to read as follows:

Section 66263.43. Specific Requirements for Emergency Response Incident Operations.

(a) A transporter operating in accordance with this section shall be a state, local or county governmental agency emergency response incident unit.

(h) Hazardous waste at the transporter's central collection facility shall be stored for no longer than 90 days and managed in accordance with section ~~66262.34~~ 66262.16 or 66262.17.

Note: Authority cited: Sections 25143, 25150, 25159 and 25161, Health and Safety Code. Reference: Sections 25143, 25160, 25168.1 and 25169, Health and Safety Code.

Amend section 66263.45 of the California Code of Regulations, title 22, division 4.5, chapter 13, article 4, to read as follows:

Section 66263.45. Specific Requirements for Consolidation Operations.

(a) A transporter operating in accordance with this section shall be any person that transports hazardous waste to a non-permitted, temporary, hazardous waste storage facility in accordance with section 66263.18 for the purpose of consolidation of waste loads. The transporter shall also be the generator of the hazardous waste.

(e) This section applies only to hazardous wastes that are either:

(1) Collected from generators that meet the requirements of 40 CFR Code of Federal Regulations, sections 262.14(a) ~~261.5 (a)~~ and ~~261.5 (g)~~, as of July 1, 1988; or

(2) Collected from generators of non-RCRA hazardous wastes totaling less than 100 kilograms per calendar month.

Note: Authority cited: Sections 25143, 25150, 25159 and 25161, Health and Safety Code. Reference: Sections 25143, 25160, 25168.1 and 25169, Health and Safety Code.

Amend section 66263.46 of the California Code of Regulations, title 22, division 4.5, chapter 13, article 4, to read as follows:

Section 66263.46. Specific Requirements for Small Load Operations.

(a) A transporter operating in accordance with this section shall only transport hazardous wastes in amounts no greater than 100 kilograms per load and no greater than 1,000 kilograms per calendar month, which is the total quantity of hazardous waste which shall be hauled by the transporter.

(b) This section applies only to hazardous wastes that are either:

(1) subject to reclamation agreements with generators of greater than 100 kilograms per month but less than 1,000 kilograms per month pursuant to the requirements of 40 CFR Code of Federal Regulations, sections 262.20(e) and 263.20(h), ~~as of July 1, 1988~~; or

(2) collected from generators that meet the requirements of 40 CFR Code of Federal Regulations, sections ~~262.14(a) 261.5(a) and 261.5 (g), as of July 1, 1988~~; or

(3) collected from generators of non-RCRA hazardous wastes totaling less than 100 kilograms per calendar month.

Note: Authority cited: Sections 25143, 25150, 25159 and 25161, Health and Safety Code. Reference: Sections 25143, 25160, 25168.1 and 25169, Health and Safety Code.

Amend section 66264.1 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 1, to read as follows:

Section 66264.1. Purpose, Scope and Applicability.

(a) The purpose of this chapter is to establish minimum standards which define the acceptable management of hazardous waste.

(g) The requirements of this chapter do not apply to:

(1) (reserved);

(2) the owner or operator of a facility managing recyclable materials described in section 66261.6(a)(2)(B) of this division (except to the extent they are referred to in article 8 of chapter 16 of this division);

(3) a generator accumulating waste on-site in compliance with section ~~66262.34~~ 66262.15, 66262.16 or 66262.17 of this division;

Note: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25115.1, 25118, 25141, 25159, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; and 40 Code of Federal Regulations Sections 260.10 and 264.1.

Amend section 66264.71 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 5, to read as follows:

Section 66264.71. Use of Manifest System.

(a)(1) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the facility's agent, shall sign and date each copy of the manifest as indicated in paragraph (a)(2) of this section to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

(g) The provisions of section 66262.15, 66262.16 or 66262.17 ~~66262.34~~ are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of section 66262.15, 66262.16 or 66262.17 ~~66262.34~~ only apply to owners or operators who are shipping hazardous waste which they generated at that facility.

Note: Authority cited: Sections 25150, 25159, 25159.5 and 58012, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 Code of Federal Regulations Section 264.71; Hazardous Waste Report, Instructions and Forms (EPA Form 8700-13A/B); and 70 Fed. Reg. 10776 (Mar. 4, 2005), p. 10786-10787.

Amend section 66264.191 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 10, to read as follows:

Section 66264.191. Assessment of Existing Tank System's Integrity.

(a) Tanks shall have sufficient shell strength and, for closed tanks, pressure controls (e.g., vents) to assure that they do not collapse or rupture. The Department will review the design of the tanks, including the foundation, structural support, seams and pressure controls and seismic considerations. The Department shall require that a minimum shell thickness be maintained at all times to ensure sufficient shell strength. Factors to be considered in establishing minimum thickness include the width, height and materials of construction of the tank, and the specific gravity of the waste which will be placed in the tank. In reviewing the design of the tank and approving a minimum thickness, the Department shall rely upon appropriate industrial design standards and other available information.

(g)(1) Notwithstanding subsections (b) through (d) of this section, for each existing tank system that does not have secondary containment meeting the requirements of section 66264.193 and which meets the criteria specified in subsection (g)(2) of this section, the assessment specified in subsection (i) of this section shall be conducted by January 24, 1998. This assessment shall be reviewed and certified by an independent, qualified, professional engineer, registered in California, in accordance with section 66270.11(d), that attests to the tank system's integrity. The assessment shall be kept on file at the facility until closure of the facility and shall be valid for a period of one year from the date the assessment was certified.

(2) The provisions of subsection (g)(1) of this section apply only to:

(B) onground or aboveground tank systems containing RCRA hazardous wastes generated onsite, if:

1. the owner or operator is a ~~conditionally exempt~~ very small quantity generator as defined in ~~40 CFR section 264.5~~ 66260.10 of this division, or a small quantity generator of ~~more than 100 kg but less than 1,000 kg per month~~ as defined in ~~40 CFR, section 265.204~~ 66260.10 of this division, or

Note: Authority cited: Sections 25150, 25159, and 58012, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 264.191.

Amend section 66264.192 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 10, to read as follows:

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

(a) Tanks shall have sufficient shell strength and, for closed tanks, pressure controls (e.g., vents) to assure that they do not collapse or rupture. The Department will review the design of the tanks, including the foundation, structural support, seams and pressure controls and seismic considerations. The Department shall require that a minimum shell thickness be maintained at all times to ensure sufficient shell strength. Factors to be considered in establishing minimum thickness include the width, height and materials of construction of the tank, and the specific gravity of the waste which will be placed in the tank. In reviewing the design of the tank and approving a minimum thickness, the Department shall rely upon appropriate industrial design standards and other available information.

(i)(1) Notwithstanding subsections (b) through (h) of this section, design and installation of new tank systems or components used to manage hazardous waste, and which meet the criteria specified in subsection (i)(2) of this section, are not subject to the requirements of subsections (i) through (n) of this section until January 24, 1998. The assessment specified in subsection (l) of this section shall be obtained prior to placing a new tank system in service and shall be kept on file at the facility. This assessment shall be reviewed and certified by an independent, qualified, professional engineer, registered in California, in accordance with section 66270.11(d), attesting that the tank system has sufficient structural integrity and is acceptable for the transferring, storing and treating of hazardous waste. The assessment shall be valid for a maximum period of five (5) years or the remaining service life of the tank system, as stated in the engineer's assessment, whichever is less. ~~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).~~

(2) The provisions of subsection (i)(1) of this section apply only to:

(B) onground or aboveground tank systems containing RCRA hazardous waste generated onsite, if:

1. the owner or operator is a ~~conditionally exempt~~ very small quantity generator as defined in ~~40 CFR section 264.5~~ 66260.10 of this division, or a small quantity generator of ~~more than 100 kg but less than 1000 kg per month as defined in 40 CFR section 265.204~~ 66260.10 of this division, or

Note: Authority cited: Sections 25150, 25159, 58004, and 58012, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 264.192.

Amend section 66264.193 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 10, to read as follows:

Section 66264.193. Containment and Detection of Releases.

(a) In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this section shall be provided (except as provided in subsections (f) and (g) of this section):

(3) for tank systems that transfer, store or treat materials that subsequently become hazardous wastes within two years after the materials become hazardous waste unless the owner or operator complies with section ~~40 CFR 265.204~~ 262.16(b)(3) and is one of the following:

(A) the owner or operator is a ~~conditionally exempt~~ very small quantity generator or a ~~100 to 1,000 kg per month~~ small quantity generator as defined in 66260.10 of this division, or

(j)(1) Notwithstanding subsection (a) through (c) of this section, secondary containment that meets the requirements of subsections (l) and (m) shall be provided for tank systems used to manage hazardous wastes generated on site, and which meet the criteria specified in subsection (j)(2) of this section:

(A) prior to the tank system or component being placed in service for new tank systems or components; or

(B) by January 24, 1998, for existing tank systems.

(2) The provisions of subsection (j)(1) of this section apply only to:

(B) onground or aboveground tank systems containing RCRA hazardous wastes generated onsite, if:

1. the owner or operator is a ~~conditionally exempt~~ very small quantity generator as defined in ~~40 CFR section 264.5~~ 66260.10 of this division, or a small quantity generator of ~~more than 100 kg but less than 1,000 kg per month~~, as defined in ~~40 CFR section 265.204~~ 66260.10 of this division, or

Note: Authority cited: Sections 25150, 25159, and 58012, Health and Safety Code.
Reference: Sections 25143, 25159, and 25159.5, Health and Safety Code; 40 CFR Section 264.193.

Amend section 66264.1030 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 27, to read as follows:

Section 66264.1030. Applicability.

(a) The regulations in this article apply to owners and operators of facilities that treat, store, or dispose of RCRA hazardous wastes (except as provided in ~~§~~section 66264.1).

(b) Except for section 66264.1034, subsections (d) and (e), this article applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage RCRA hazardous wastes with organic concentrations of at least 10 ppmw, if these operations are conducted in one of the following:

(2) a unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of section 66262.17 ~~66262.34(a)~~ (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of chapter 20, or

(3) A unit that is exempt from permitting under the provisions of section 66262.17 ~~66262.34(a)~~ (i.e., a “90-day” tank or container) and is not a recycling unit under the provisions of section 66261.6.

Note: Authority cited: Sections 25150, 25159, 25159.5, 25245 and 58012, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 CFR section 264.1030.

Amend section 66264.1050 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 28, to read as follows:

Section 66264.1050. Applicability.

(a) The regulations in this article apply to owners and operators of facilities that treat, store, or dispose of RCRA hazardous wastes (except as provided in Section 66264.1).

(b) Except as provided in section 264.1064(k), this article applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:

(2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of section 66262.17 ~~66262.34(a)~~ (i.e., a hazardous waste recycling unit that is not a “90-day” tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of chapter 20, or

(3) A unit that is exempt from permitting under the provisions of section 66262.17 ~~66262.34(a)~~ (i.e., a “90-day” tank or container) and is not a recycling unit under the provisions of section 66261.6.

Note: Authority cited: Sections 25150, 25159, 25159.5, 25245 and 58012, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 CFR section 264.1050.

Amend section 66265.1 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 1, to read as follows:

Section 66265.1. Purpose, Scope and Applicability.

(a) The purpose of this chapter is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(e) The requirements of this chapter do not apply to:

(1) a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Federal Marine Protection, Research, and Sanctuaries Act (33 U.S.C. section 1401, et. seq). Such person shall comply with the requirements of this chapter when transferring, treating or storing hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea, as provided in subsection (b) of this section;

(7) a generator accumulating waste on-site in compliance with section ~~66262.34~~ 66262.15, 66262.16 or 66262.17 of this division, except to the extent the requirements are included in section ~~66262.34~~ 66262.15, 66262.16 or 66262.17 of this division;

Note: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25115.1, 25118, 25141, 25150, 25159, 25159.5, 25200.5, 25219, 25219.1, and 25219.2, Health and Safety Code; and 40 Code of Federal Regulations Sections 260.10 and 265.1.

Amend section 66265.71 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 5, to read as follows:

Section 66265.71. Use of Manifest System.

(a)(1) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the facility's agent, shall sign and date each copy of the manifest as indicated in paragraph (a)(2) of this section to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

(i) The provisions of section 66262.15, 66262.16 or 66262.17 ~~66262.34~~ are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of section 66262.15, 66262.16 or 66262.17 ~~66262.34~~ only apply to owners or operators who are shipping hazardous waste which they generated at that facility.

Note: Authority cited: Sections 25150, 25159, 25159.5 and 58012, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 Code of Federal Regulations Section 265.71.

Amend section 66265.191 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 10, to read as follows:

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

(a) For each existing tank system that does not have secondary containment meeting the requirements of section 66265.193, the owner or operator shall determine that the tank system is not leaking or is unfit for use. Except as provided in subsections (c) and (e) of this section, the owner or operator shall obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified, professional engineer, registered in California, in accordance with section 66270.11(d), that attests to the tank system's integrity.

(e)(1) Notwithstanding subsections (a) through (c) of this section, for each existing tank system that does not have secondary containment meeting the requirements of section 66265.193 and which meets the criteria specified in subsection (e)(2) of this section, the assessment specified in subsection (g) of this section shall be conducted by January 24, 1998. This assessment shall be reviewed and certified by an independent, qualified, professional engineer, registered in California, in accordance with section 66270.11(d), that attests to the tank system's integrity. The assessment shall be kept on file at the facility until closure of the facility and shall be valid for a period of one year from the date the assessment was certified.

(2) The provisions of subsection (e)(1) of this section apply only to:

(B) onground or aboveground tank systems containing RCRA hazardous wastes generated onsite, if:

1. the owner or operator is a ~~conditionally exempt~~ very small quantity generator as defined in ~~40 CFR section 261.5~~ 66260.10 of this division, or a small quantity generator

~~of more than 100 kg but less than 1,000 kg of hazardous waste in a calendar per month, as defined in 40 CFR section 265.204 66260.10 of this division, or~~

Note: Authority cited: Sections 25150, 25159 and 58012, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.191.

Amend section 66265.192 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 10, to read as follows:

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

(a) Owners or operators of new tank systems or components shall ensure that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be transferred, stored or treated, and corrosion protection so that it will not collapse, rupture, or fail. The owner or operator shall obtain a written assessment reviewed and certified by an independent, qualified, professional engineer, registered in California in accordance with section 66270.11(d) attesting that the system has sufficient structural integrity, is acceptable for the transferring, storing and treating of hazardous waste, and that the tanks and containment system are suitably designed to achieve the requirements of this article. This assessment shall be obtained prior to placing the tank system in service, and shall be kept on file at the facility. This assessment shall also include, at a minimum, the following information:

(h)(1) Notwithstanding subsections (a) through (g) of this section, design and installation of new tank systems or components used to manage hazardous waste, and which meet the criteria specified in subsection (h)(2) of this section, are not subject to the requirements of subsections (h) through (m) of this section until January 24, 1998. The assessment specified in subsection (k) of this section shall be obtained prior to placing a new tank system in service and shall be kept on file at the facility. This assessment shall be reviewed and certified by an independent, qualified, professional engineer, registered in California, in accordance with section 66270.11(d), attesting that the tank system has sufficient structural integrity and is acceptable for the transferring, storing and treating of hazardous waste. The assessment shall be valid for a maximum period of five (5) years or the remaining service life of the tank system, as stated in the engineer's assessment, whichever is less. ~~New tank systems that have been assessed pursuant to subsections (a) through (g) of this section prior to June 1, 1995 are not required to be reassessed pursuant to subsection (k) 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 (k).~~

(2) The provisions of subsection (h)(1) of this section apply only to:

(A) onground or aboveground tank systems containing only non-RCRA hazardous waste generated on site, and tank systems authorized under Permit-by-Rule pursuant to chapter 45 of this division, Conditional Authorization pursuant to HSC 25200.3, and Conditional Exemption pursuant to HSC 25201.5, and

(B) onground or aboveground tank systems containing RCRA hazardous waste generated onsite, if:

1. the owner or operator is a ~~conditionally exempt~~ very small quantity generator as defined in ~~40 CFR section 261.5~~ 66260.10 of this division, or a small quantity generator of ~~more than 100 kg but less than 1,000 kg per month~~, as defined in ~~40 CFR section 265.204~~ 66260.10 of this division, or

Note: Authority cited: Sections 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.192.

Amend section 66265.193 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 10, to read as follows:

Section 66265.193. Containment and Detection of Releases.

(a) In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this section shall be provided (except as provided in subsections (f) and (g) of this section):

(2) for all existing tank systems, unless:

(A) the owner or operator is a ~~conditionally exempt~~ very small quantity generator as defined in ~~40 CFR section 261.5~~ 66260.10 of this division, or a small quantity generator of ~~more than 100 kg but less than 1,000 kg per month~~, as defined in ~~40 CFR section 265.204~~ 66260.10 of this division, or

(B) the owner or operator is not subject to regulation in ~~40 CFR~~ Code of Federal Regulations, part 265 pursuant to an exemption in ~~40 CFR~~ Code of Federal Regulations section 265.1.

(3) for tank systems that transfer, store or treat materials that subsequently become hazardous wastes within two years after the materials become hazardous waste unless the owner or operator complies with ~~section 265.204~~ 66262.16(b)(3) of this division and is one of the following:

(A) the owner or operator is a ~~conditionally exempt~~ very small quantity generator or a ~~100 to 1000 kg per month~~ small quantity generator, or

(B) the owner or operator is not subject to regulation in 40 CFR Code of Federal Regulations part 265 pursuant to an exemption in 40 CFR Code of Federal Regulations section 265.1, but the owner or operator is subject to the standards of this article.

(j)(1) Notwithstanding subsections (a) through (c) of this section, secondary containment that meets the requirements of subsection (l) shall be provided for tank systems used to manage hazardous wastes generated on site, and which meet the criteria specified in subsection (j)(2) of this section:

(A) prior to the tank system or component being placed in service for new tank systems or components; or

(B) by January 24, 1998, for existing tank systems.

(2) The provisions of subsection (j)(1) of this section apply only to:

(B) onground or aboveground tank systems containing RCRA hazardous wastes generated onsite, if:

1. the owner or operator is a ~~conditionally exempt~~ very small quantity generator as defined in 40 CFR section ~~261.5~~ 66260.10 of this division, or a small quantity generator of ~~more than 100 kg but less than 1,000 kg per month~~, as defined in 40 CFR section ~~265.201~~ 66260.10 of this division, or

Note: Authority cited: Sections 25150, 25159 and 58012, Health and Safety Code.
Reference: Sections 25143, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.193.

Amend section 66265.1030 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 27, to read as follows:

Section 66265.1030. Applicability.

(a) The requirements of this article apply to owners and operators of facilities that treat, store, or dispose of RCRA hazardous wastes (except as provided in ~~§~~section 66265.1).

(b) Except for ~~§~~section 66265.1034(d) and (e), this article applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air

or steam stripping operations that manage RCRA hazardous wastes with organic concentrations of at least 10 ppmw, if these operations are conducted in:

- (1) units that are subject to the permitting requirements of chapter 20; or
- (2) hazardous waste recycling units that are located on hazardous waste management facilities otherwise subject to the federal RCRA TSDf permitting requirements of chapter 20; or
- (3) a unit that is exempt from permitting under the provisions of section 66262.17 ~~66262.34(a)~~ (i.e., a “90-day” tank or container) and is not a recycling unit under the requirements of section 66261.6. [NOTE: The requirements of sections 66265.1032 through 66265.1036 apply to process vents on hazardous waste recycling units previously exempt under section 66261.6(c)(1). Other exemptions under sections 66261.4 and 66265.1(c) are not affected by these requirements.]

Note: Authority cited: Sections 25150, 25159, 25159.5, 25245 and 58012, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 CFR, Section 265.1030.

Amend section 66265.1050 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 28, to read as follows:

Section 66265.1050. Applicability.

- (a) The regulations in this article apply to owners and operators of facilities that treat, store, or dispose of RCRA hazardous wastes (except as provided in ~~§~~section 66265.1).
- (b) Except as provided in ~~§~~section 66265.1064(k), this article applies to equipment that contains or contacts RCRA hazardous wastes with organic concentrations of at least ten percent by weight that are managed in:
 - (1) a unit that is subject to the permitting requirements of chapter 20_i; or
 - (2) a unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of section ~~66262.34(a)~~ 66262.17 (i.e., a hazardous waste recycling unit that is not a “90-day” tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of chapter 20_i; or
 - (3) a unit that is exempt from permitting under the provisions of section ~~66262.34(a)~~ 66262.17 (i.e., a “90-day” tank or container) and is not a recycling unit under the provisions of section 66261.6.

Note: Authority cited: Sections 25150, 25159, 25159.5, 25245 and 58012, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 CFR, Section 265.1050.

Amend section 66268.1 of the California Code of Regulations, title 22, division 4.5, chapter 18, article 1, to read as follows:

Section 66268.1. Purpose, Scope and Applicability.

(a) This chapter identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

(e) The following hazardous wastes are not subject to any provision of chapter 18:

(1) RCRA hazardous waste generated by small quantity generators of less than 100 kilograms of non-acute hazardous waste or less than 1 kilogram of acute hazardous waste per month, as defined in 40 CFR Code of Federal Regulations section ~~264.5~~ 260.10;

Note: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25179.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25118, 25141, 25150, 25159, 25159.5, 25179.3, 25179.6, 25179.7, 25179.8, 25179.9, 25179.10, 25179.11, 25179.12, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 268.1.

Amend section 66268.7 of the California Code of Regulations, title 22, division 4.5, chapter 18, article 1, to read as follows:

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

(a) Requirements for generators:

(5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under ~~40 CFR 262.34~~ section 66262.15, 66262.16 or 66262.17 to meet applicable LDR treatment standards found at section 66268.40, the generator shall develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table 1, section 66268.45, however, are not subject to these waste analysis requirements.) The plan shall be kept on site in the generator's records, and the following requirements shall be met:

Note: Authority cited: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25150, 25159, 25159.5, 25160.2 and 25179.7, Health and Safety Code; and 40 CFR Sections 262.20(e), 263.20(h) and 268.7.

Amend section 66268.50 of the California Code of Regulations, title 22, division 4.5, chapter 18, article 5, to read as follows:

Section 66268.50. Prohibitions on Storage of Restricted Wastes.

(a) Except as provided in this section, the storage of hazardous wastes restricted from land disposal under article 3 of this chapter or RCRA section 3004 (42 U.S.C. section 6924) is prohibited, unless the following conditions are met.

(1) A generator stores such wastes in tanks, containers, or containment buildings on site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in section 66262.16 or 66262.17 ~~66262.34~~ and ~~Chapters 14 and 15 of this division. (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).~~

(2) An owner/operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and:

(A) each container is clearly marked to identify its contents ~~and the date each period of accumulation begins;~~ with:

1. The words "Hazardous Waste";

2. The applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in article 3 and 4 of chapter 11 of this division;

3. An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 Code of Federal Regulations part 172, subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29

Code of Federal Regulations 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704]; and

4. The date each period of accumulation begins.

Note: Authority cited: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25150, 25159, 25159.5 and 58012, Health and Safety Code; 40 CFR Section 268.50.

Amend section 66270.60 of the California Code of Regulations, title 22, division 4.5, chapter 20, article 5, to read as follows:

Section 66270.60. Permits by Rule.

(a) Notwithstanding any other provision of this chapter, all variances previously issued to owners or operators of hazardous waste management units or facilities for treatment activities which are eligible for permit by rule are revoked effective May 1, 1992. This revocation date does not apply to temporary household hazardous waste collection facilities or K-12 schools hazardous waste collection, consolidation, and accumulation facilities (SHWCCAF) eligible for operation pursuant to article 5 of chapter 45 (commencing with section 67450.40). The owner or operator of a SHWCCAF operating under a variance issued by the department may continue operation under the conditions of the variance until the variance expires.

(d) Except as provided in ~~S~~section 67450.9, the following shall be deemed to have a permit if the conditions listed are met:

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

(A) The operator of a PHHWCF shall submit, in person or by certified mail with return receipt requested, a Permanent Household Hazardous Waste Collection Facility Permit by Rule Notification (DTSC Form 1094B) (11/08) to CUPA or authorized agency. The notification shall be submitted a minimum of 45 days in advance of the planned commencement of operation except as provided in subsections (c)(2) and (c)(3) of this section. Each notification required by this subsection shall be completed, dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications and shall be submitted with all of the following:

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

Note: Authority cited: Sections 25150, 25150.6, 25200, 25218.3(d) and 58012, Health and Safety Code. Reference: Sections 25150.6, 25159, 25159.5, 25200, 25218.2, 25218.3 and 25218.8, Health and Safety Code.

Amend section 66273.8 of the California Code of Regulations, title 22, division 4.5, chapter 23, article 1, to read as follows:

Section 66273.8. Exemptions.

(a) Household universal waste generator exemption.

A person who maintains a household, as defined in section 66273.9, and who produces universal waste derived from that household, is a generator, as defined in section 66273.9, of household universal waste. Such a generator is exempt from the requirements of this chapter applicable to a universal waste handler, as defined in section 66273.9, with respect to the management of that generator's household universal waste, provided that:

(b) ~~Conditionally exempt~~ Very small quantity universal waste generator exemption.

A ~~conditionally exempt~~ very small quantity universal waste generator, as defined in section 66273.9, is exempt from the requirements of this chapter applicable to a universal waste handler, as defined in section 66273.9, with respect to the management of that generator's universal waste, provided the conditions set forth in subsections (a)(1) through (a)(3) of this section are met.

Note: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code.

Reference: Sections 25141, 25150, 25159.5, 25201, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Sections 261.4, ~~261.5~~262.14 and 273.8.

Amend section 66273.9 of the California Code of Regulations, title 22, division 4.5, chapter 23, article 1, to read as follows:

Section 66273.9. Definitions.

When used in this chapter, the terms listed in this section have the meanings given below. Unless otherwise specified, listed terms that cross-reference the definitions of other listed terms refer to the definitions set forth in this section for those other terms. Terms that are also defined in chapter 10 of this division are duplicated here solely for convenience of the regulated community. Terms used in this chapter that are not defined in this section but are defined in chapter 10 of this division and/or chapter 6.5 of division 20 of the Health and Safety Code have the meanings given in those sources.

“~~Conditionally exempt~~ Very small quantity universal waste generator” means a generator of universal waste who:

- (a) generates no more than 100 kilograms (220 pounds) of RCRA hazardous wastes, including universal wastes that are RCRA hazardous wastes, and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month; and
- (b) remains in compliance with 40 CFR Code of Federal Regulations section ~~261.5~~262.14.

Note: Authority cited: Sections 25141, 25141.5, 25150, 25214.6, 25150.6, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Sections 261.4, ~~261.5~~262.14 and 273.9.

Amend section 66273.72 of the California Code of Regulations, title 22, division 4.5, chapter 23, article 7, to read as follows:

Section 66273.72. Authorization for Disassembling/Draining Activities.

(a)(1) Universal waste handlers shall not conduct any activity pursuant to this section if the activity involves the use or application of:

(d)(2)(B) Conduct the activities in a manner that protects persons managing the mercury ampules and/or the mercury switches, and that prevents releases of any universal wastes and/or any components of universal wastes, to the environment, as follows:

3. Ensure that a mercury clean-up system is readily available for immediately transferring from the containment device to an airtight container meeting the requirements of section 66262.15, 66262.16 or 66262.17 ~~66262.34~~, any mercury spilled or leaked from broken mercury ampules and/or mercury switches.

4. Transfer immediately from the containment device to an airtight container meeting the requirements of section 66262.15, 66262.16 or 66262.17 ~~66262.34~~, any mercury spilled or leaked from broken mercury ampules and/or mercury switches.

Note: Authority cited: Sections 25141, 25141.5, 25143.2, 25150, 25173, 25201, 25214.6, 25214.9, 25214.10.2, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25173, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

Amend section 66279.10 of the California Code of Regulations, title 22, division 4.5, chapter 29, article 2, to read as follows:

Section 66279.10. Applicability

(a) Rebuttable presumption. Used oil containing more than 1,000 ppm total halogens is presumed to be a RCRA hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of Part 261, Title 40, Code of Federal Regulations (commencing with section 261.30).

(b) Rebutting the rebuttable presumption. Persons may rebut the presumption that used oil containing more than 1,000 ppm total halogens is a hazardous waste because it has been mixed with halogenated hazardous waste in ~~§~~subpart D of ~~P~~part 261, ~~T~~title 40, Code of Federal Regulations (commencing with section 261.30) by demonstrating through analytical testing or other means of demonstration that the used oil does not contain such hazardous waste.

(5) The rebuttable presumption is rebutted if it is demonstrated that the used oil is exclusively household do-it-yourselfer used oil or used oil collected from a ~~conditionally exempt~~ very small quantity generator as defined in section ~~261.5(a)~~ 260.10 of Title 40, Code of Federal Regulations.

(A) If the used oil is not exclusively household do-it-yourselfer used oil or used oil collected from a ~~conditionally exempt~~ very small quantity generator as defined in section ~~261.5(a)~~ 260.10 of Title 40, Code of Federal Regulations, but also contains used oil

collected from other sources, then the rebuttable presumption is not rebutted unless it is demonstrated, by testing all sources of oil contained in the collected used oil for total halogens as specified in section 66279.90(a), that the source of the total halogens exceeding 1,000 ppm is solely from household do-it-yourselfer used oil or used oil collected from a ~~conditionally exempt~~ very small quantity generator as defined in section ~~261.5(a)~~ 260.10 of Title 40, Code of Federal Regulations.

(c) Used oil shall not be intentionally mixed with other hazardous waste, including household hazardous waste and hazardous waste from a ~~conditionally exempt~~ very small quantity generator as defined in section ~~261.5(a)~~ 260.10 of Title 40, Code of Federal Regulations.

Note: Authority cited: Sections 25150, 25159, 58004 and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5, 25218, 25218.3, 25218.8, 25250.1, 25250.4 and 25250.7, Health and Safety Code; and 40 CFR Sections 279.1, 279.10(b)(ii), 279.11, 279.20, 279.21, 279.30, 279.40, 279.44 and 279.53.

Amend section 67426.1 of the California Code of Regulations, title 22, division 4.5, chapter 42, to read as follows:

Section 67426.1. Generator Requirements.

(a) A generator of fluorescent light ballasts which contain PCBs ~~who~~ that transports off-site no more than two fifty-five gallon drums per transportation vehicle shall be exempt from the standards set forth in ~~Article 1~~, except sections 66262.13, 66262.15, 66262.16, and 66262.17, ~~Article 2~~, and ~~Article 4~~ of ~~Chapter 12~~ of this division. The regulations in this chapter apply only to the management of light ballasts which contain PCBs.

Note: Authority cited: Section 25150, Health and Safety Code. Reference: Section 25155, Health and Safety Code.