

TITLE 22 CALIFORNIA CODE OF REGULATIONS

15-DAY NOTICE OF MODIFIED TEXT

GENERATOR IMPROVEMENTS RULE

Department of Toxic Substances Control reference number: R-2023-08R
Office of Administrative Law Notice Reference Number: 2023-0314-03

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) has made changes to the proposed regulations, amending the California Code of Regulations, title 22, division 4.5, chapter 12, proposed sections 66262.13, 66262.15, 66262.16, and chapter 18, section 66268.1. The modifications to the proposed regulations make changes to correct errors, such as typos, and conform California's hazardous waste program to the federal hazardous waste program in title 40, Code of Federal Regulations. DTSC considers these new changes to the rulemaking to be "sufficiently related changes," as defined in title 1, California Code of Regulations, section 42.

DTSC has determined that the new changes do not impact the finding of the previously proposed Notice of Exemption prepared pursuant to the California Environmental Quality Act (CEQA).

DTSC mailed the initial notice of proposed action for this rulemaking and provided links to these documents for public review and comment on March 24, 2023. Written comments were accepted during the 45-day public comment period. DTSC did not receive any requests to hold a public hearing.

WRITTEN COMMENT PERIOD

A public comment period for the modified regulatory proposal has been established commencing on July 5, 2023, and closing on July 20, 2023. Statements, arguments, or contentions regarding the newly proposed changes must be submitted in writing for them to be considered by DTSC before it adopts, amends, or repeals these regulations. Only comments received in writing at the DTSC office on or before the closing date will be considered. Any interested person(s) or their authorized representative(s) may submit written comments relevant to the modified regulatory action to DTSC in either electronic or hard copy formats.

Written comments may be submitted electronically through the DTSC regulations email address at regs@dtsc.ca.gov. Written comments in hard-copy format can be directed to the Office of Legislation and Regulatory Review, as specified below:

Office of Legislation and Regulatory Review
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806
Phone Number: (916) 322-4563
Fax Number: (916) 324-1808
TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CHANGES TO PROPOSED REGULATIONS

Modified Regulatory Text

The proposed revisions to the regulatory text are necessary to correct errors, add clarification, and maintain equivalency with the federal hazardous waste program:

- Revise the generator category table by adding the Very Small Quantity Generator criteria;
- Revise the satellite accumulation area regulations related to the hazardous waste accumulation quantity limit for multiple waste streams;
- Revise the small quantity generator quantity description for Resource Conservation and Recovery Act (RCRA) hazardous wastes not subject to the land disposal provisions of chapter 18; and
- Other non-substantive changes: correct section cross-reference typos and underline proposed language that was not underlined.

Changes to the regulatory text after the start of the rulemaking process contain the following formatting features:

- The symbol “****” means the existing text (not shown) continues unchanged.
- Single Underline: Single underlined text reflects new text proposed on March 24, 2023 in the Notice of Proposed Action.
- Single Strikeout: Single strikeout text reflects deleted text proposed on March 24, 2023 in the Notice of Proposed Action.
- Double Underline: Double underlined text reflects new text resulting from the comment period dated March 24, 2023 - May 8, 2023.
- Double Strikeout: Double strikeout text reflects deleted text resulting from the comment period dated March 24, 2023 - May 8, 2023.

CONTACT PERSONS

Inquiries regarding technical aspects of the proposed modified regulations may be directed to Kareem Taylor at (916) 445-9553 or Chosu Khin at (916) 324-2428 or, if unavailable, the Office of Legislation and Regulatory Review, as specified above. However, such oral inquiries are not part of the rulemaking record. Statements, arguments, or contentions regarding the rulemaking and/or supporting documents must be submitted in writing for them to be considered by DTSC before it adopts, amends, or repeals these regulations.

AVAILABILITY OF MODIFIED TEXT AND ALL OTHER RULEMAKING DOCUMENTS

Copies of the revised text of the proposed modified regulations and documents added to the rulemaking file are posted to DTSC's Internet website at <https://dtsc.ca.gov/regs/> or may be obtained upon request from the Office of Legislation and Regulatory Review, as specified above.

Copies of the Notice of Proposed Action, Initial Statement of Reasons, all the information upon which DTSC's proposal is based, and the express terms of the proposed modified regulation (also known as the proposed regulatory text), are posted to DTSC's Internet website at <https://dtsc.ca.gov/regs/> or may be obtained from the Office of Legislation and Regulatory Review, as specified above.

After the close of the comment period, DTSC may adopt the proposed regulation. If additional substantial changes are made, the modified full text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulation, attend the hearing, or provide written comments on this specific regulation will be sent a copy of the modified text if substantive changes are made.

After the 15-Day public comment period, DTSC will prepare a Final Statement of Reasons that updates the Initial Statement of Reasons, summarizes how DTSC addressed comments, and includes other materials. A copy of the Final Statement of Reasons will also be posted on DTSC's Internet site at <https://dtsc.ca.gov/regs/> along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulation.

To be included in this regulation package's mailing list and to receive updates of this rulemaking, please visit <https://dtsc.ca.gov/dtsc-e-lists/> and subscribe to the applicable e-list or e-mail: regs@dtsc.ca.gov.