EXHIBIT A: California Hazardous Waste Regulations
Applicable to Generators, 22 CCR §66262.10 et seq.
(select provisions)

Chapter 12. Standards Applicable to Generators of Hazardous Waste

Article 1. Applicability

§ 66262.10. Purpose, Scope, and Applicability.
(a) This chapter establishes standards for generators of hazardous waste licensed in California.
(b) A generator, who treats, stores, or disposes of hazardous waste container shall only 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 for cleaning an identification number, section 66262.14 for accumulation of hazardous waste, section 66262.40 for use of the permit, and (d) for recordkeeping, section 66262.43 for additional reporting and if applicable, section 66262.70 for farmers.
(c) Any person who imports hazardous waste into the State for disposal to a designated facility within the State from outside the United States shall comply with the standards applicable to generators established in this chapter.
(d) Any person who exports or imports hazardous waste subject to the Federal manifesting requirements of 40 CFR Part 262, or to the universal waste management standards of 40 CFR Part 273, source from the countries listed in 40 CFR section 262.58(a)(11) (e) or section 66262.58(a)(11) for recovery of hazardous waste, shall comply with 40 CFR Part 262, Subpart H or this article.
(e) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of section 66262.70 is not required to comply with other standards in this chapter or chapters 2014, 15, or 18 of this division with respect to such pesticides.
A person who generates a hazardous waste as defined in chapter 11 of this division is subject to the compliance requirements and penalties prescribed in chapter 6.5 of division 20 of the Health and Safety Code (commencing with section 25100) if the generator does not comply with the requirements of this chapter.

A generator or operator who injects 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 shall be applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of section 66262.34 shall only apply to owners or operators who are shipping hazardous waste which they generated at that facility.

A generator who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and permit requirements set forth in chapters 14, 15, 16, 18, and 20 of this division.

This article does not apply to generators handling only hazardous waste produced accidental to owning and maintaining their own place of residence.

Authority cited: Sections 25150, 25159, 25159.6 and 58012, Health and Safety Code; Reference: Sections 25150, 25159, 25159.6 and 58012, Health and Safety Code; and 40 CFR Section 262.10.

History

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

Amendment of subsection (a) and Note filed 5-24-91 as an emergency operative 5-24-91 (Register 91, No. 22). A Certificate of Compliance must be transmitted to OAL by 2-20-95 or emergency language will be repealed by operation of law on the following day.

Amendment of subsection (a) and Note filed 2-21-95 as an emergency operative 2-21-95 (Register 95, No. 8). A Certificate of Compliance must be transmitted to OAL by 2-21-95 or emergency language will be repealed by operation of law on the following day.

Amendment of subsection (a) and Note filed 6-19-95 as an emergency operative 6-19-95 (Register 95, No. 22). A Certificate of Compliance must be transmitted to OAL by 6-19-95 or emergency language will be repealed by operation of law on the following day.

Amendment of subsection (a) and Note filed 6-19-95 as an emergency operative 6-19-95 (Register 95, No. 23). A Certificate of Compliance must be transmitted to OAL by 6-19-95 or emergency language will be repealed by operation of law on the following day.

Amendment of subsection (g) and Note filed 6-19-95 as an emergency operative 6-19-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 6-19-95 or emergency language will be repealed by operation of law on the following day.

Certificate of Compliance as to 10-24-94 order transmitted to OAL, 12-15-95 and 12-15-95 (Register 96, No. 5).

Chapter without regulatory effect adding new subsection (j) and deleting subsections filed 9-20-77 pursuant to section 100, title 1, California Code of Regulations (Register 77, No. 34).

§ 66262.11. Hazardous Waste Determination.

A person who generates a waste, as defined in section 66262.1, shall determine if that waste is a hazardous waste using the following method:

(a) The generator shall first determine if the waste is excluded from regulation under section 66261.4 of the Health and Safety Code;

(b) the generator shall then determine if the waste is listed as a hazardous waste in article 4 of chapter 11 of Appendix X of chapter 11 of this division if the waste is listed in Appendix X and is not listed in article 4 of chapter 11, the generator only determine that the waste from his particular facility or operation is not a hazardous waste by either:

(1) testing the waste according to the methods set forth in article 3 of chapter 11 of this division, or according to an equivalent method approved by the Department pursuant to section 66262.21;

and applying knowledge of the hazardous characteristic of the waste in light of the materials of the processes used and the characteristics set forth in article 3 of chapter 11 of this division.

(c) For purposes of compliance with chapter 18 of this division (commencing with section 66268.11), the waste is not listed as a hazardous waste in article 4 (commencing with section 66261.30) or in Appendix X of chapter 11 of this division, the generator shall determine whether the waste exhibits any of the characteristics set forth in article 3 of chapter 11 of this division by either:

(1) testing the waste according to the methods set forth in article 3 of chapter 11 of this division, or according to an equivalent method approved by the Department pursuant to section 66262.21; or

Article 2. The Manifest

§ 66262.20. General Requirements.

(a) A generator who transports, or offers for transportation, hazardous waste for off-site transfer, treatment, storage, or disposal shall prepare a Manifest, DHS Form 0222A, and, if necessary, the exemption form, to comply with the provisions of this section. In the event the generator is the designated facility or the alternate facility, the generator shall either designate another facility or instruct the transporter to return the waste.

(b) A generator shall designate on the manifest one facility which is permitted to handle the waste described on the manifest.

(c) A generator may also designate on the manifest one alternate facility which is permitted to handle the waste as the event an emergency prevents delivery of the waste to the primary designated facility.

(d) If the transport vehicle is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator shall either designate another facility or instruct the transporter to return the waste.

Authority cited: Sections 25150, 25159, and 25159.6; Health and Safety Code; Reference: Sections 25150, 25159, and 25159.6; and 40 CFR Section 262.60.

History

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

§ 66262.21. Acquisition of Manifests.

(a) If the waste to which the shipment is manifest (consignment statement) supplies the manifest and requires it, then the generator shall use the California Uniform Hazardous Waste manifest, EPA Form 8700-22 DHHS 0222A (9-92).

(b) The consignee who does not supply the manifest, the generator shall use the California Uniform Hazardous Waste manifest, EPA Form 8700-22 DHHS 0222A (9-92).

History

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).
Article 3. Pre-Transport Requirements

66262.30. Packaging. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall package the waste in accordance with the applicable Department of Transportation regulations or packaging under Title 49 CFR Parts 173, 178, and 179.


History. 1. New section filed 5-25-91; effective 7-1-91 (Register 91, No. 23).

66262.31. Labeling. Before transporting or offering hazardous waste for transportation off-site, a generator shall label each package in accordance with the applicable Department of Transportation regulations on hazardous materials under Title 49 CFR Part 72.


History. 1. New section filed 5-18-91; effective 7-1-91 (Register 91, No. 22).

66262.32. Marking. Before transporting hazardous waste 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 CFR Part 72.

(10) Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall mark each container of 110 gal. or less used in transportation in accordance with the instructions and information displayed in accordance with the requirements of Title 49 CFR 172.304. Hazardous Waste-State and Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority, the U.S. Environmental Protection Agency or the California Department of Health Services.

Generator's Name and Address

Marked Document: Not Applicable

Note. Authority cited: Sections 208, 25130, 25159 and 25161; Health and Safety Code: References: Sections 25159, 25159.1 and 25160; Health and Safety Code: 40 CFR Section 262.32.

History. 1. New section filed 5-28-91; effective 7-1-91 (Register 91, No. 22).

66262.33. Placarding. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall ensure that the transportation vehicle is correctly placarded according to Department of Transportation regulations for hazardous materials under Title 49 CFR Part 72. Subpart F. Marking and labeling of transportation vehicles.

(10) The placard shall be displayed on the transportation vehicle in accordance with the instructions and information displayed in accordance with the requirements of Title 49 CFR 172.304. Hazardous Waste-State and Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority, the U.S. Environmental Protection Agency or the California Department of Health Services.

History. 1. New section filed 5-14-91; effective 7-1-91 (Register 91, No. 22).

66262.34. Accumulation Time. In a facility as provided in subsection (c) and (d) of this section, a generator may accumulate hazardous waste off-site for 90 days or less without a permit issued under Title 49 CFR Part 262.

(10) A facility in paragraphs (a), (b) and (c) of this section, the generator may accumulate hazardous waste on-site for 90 days or less and use a permit issued under Title 49 CFR Part 262.

Note. Authority cited: Sections 208, 25130, 25159 and 25161; Health and Safety Code: References: Sections 25159, 25159.1 and 25160; Health and Safety Code: 40 CFR Section 262.34.

History. 1. New section filed 5-14-91; effective 7-1-91 (Register 91, No. 22).

66262.35. Accumulation Time. In a facility as provided in subsection (c) and (d) of this section, a generator may accumulate hazardous waste on-site for 90 days or less without a permit issued under Title 49 CFR Part 262.

(10) A facility in paragraphs (a), (b) and (c) of this section, the generator may accumulate hazardous waste on-site for 90 days or less and use a permit issued under Title 49 CFR Part 262.

Note. Authority cited: Sections 208, 25130, 25159 and 25161; Health and Safety Code: References: Sections 25159, 25159.1 and 25160; Health and Safety Code: 40 CFR Section 262.35.

History. 1. New section filed 5-14-91; effective 7-1-91 (Register 91, No. 22).
§ 66565.15. General Inspection Requirements.

(a) The owner or operator shall inspect the facility for obstructions and deterioration, operating errors, and discharges which may be causing or may lead to (1) release of hazardous waste constituents to the environment; or (2) threat to human health. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(b) (1) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as filters and dump pumps) that are important in preventing, detecting, or responding to environmental or human health hazards.

(2) The owner or operator shall keep this schedule at the facility.

(c) The schedule shall identify the types of problems (e.g., malfunctions or deteriorations) which are to be looked for during the inspection (e.g., impermeable seams, leaking leaking, rusting, dikes, etc.).

(d) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, or malfunction, or any operating error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, shall be inspected daily when in use. At a minimum, the inspection schedule shall include the items and frequencies called for in subsections 66265.278, 66266.304, 66267.537, 66267.493, 66266.347, 66266.226, 66265.282, 66266.347, 66266.363, 66265.032, 66265.103, and 66265.103, where applicable.

(e) The owner or operator 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 hazardous or imminent or hazardous occurred, remedial action shall be taken immediately.

(f) The owner or operator shall record inspections in an inspection log or comparable system. The owner or operator shall keep these records for at least three years from the date of the inspection. At minimum, these records shall include the date and time of the inspection, for instance, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

North Authority cases: Sections 25159 and 25199, Health and Safety Code; and Governor's Emergency Plan Number 1 of 1991, Reference: Sections 25159 and 25199, Health and Safety Code; and CCR Section 4001.10, History

History

1. New section (§ 6526-91); operate 7-1-91 (Reg. 90, No. 22).
2. Amendment of subsection (b) added (§ 6526-91); operate 7-1-91 (Reg. 90, No. 22).
3. Amendment of subsection (b) added (§ 6526-91); operate 7-1-91 (Reg. 90, No. 22).

§ 66565.16. Personal Training.

(a) (1) Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this chapter. The owner or operator shall ensure that this program includes all the elements described in the document required under subsection (c) of this section.

(b) This program shall be directed by a person trained in hazardous waste management procedures and shall include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the position in which they are employed.

(c) At a minimum, the training program shall 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 where applicable:

(1) procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(2) key parameters for potable water feed cutoff systems;

(3) communications or alarm systems;

(4) response to fire or explosion;

(5) response to ground-water contamination incidents; and

(6) shutdowns of operations.

(b) Facility personnel shall successfully complete the program required in subsection (a) of this section within six months after the date of their employment or assignment to a facility, or to a new position at a facility. Employers hired to alter alter the effective date of these regulations shall not work in unsupervised positions until they have completed the training requirements of subsection (a) of this section.

(c) Facility personnel shall take part in an annual review of the initial training required in subsection (b) of this section.

(d) The owner or operator shall maintain the following documents and records at the facility:

(i) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.

(ii) A written job description for each position listed in subsection (a) of this section.

(iii) A written description of the duties and responsibilities of each position.

(iv) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed in subsection (a) of this section.

(v) Records that document the training or job experience required under subsections (a), (b), and (c) of this section has been given to, and completed by, facility personnel.

(e) Training records for current personnel shall be kept on file at the facility. Training records for former employees shall be kept for at least three years from the date an employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

North Authority cases: Sections 25159 and 25199, Health and Safety Code; and Governor's Emergency Plan Number 1 of 1991, Reference: Sections 25159 and 25199, Health and Safety Code; and CCR Section 4001.10, History

History

1. New section (§ 6526-91); operate 7-1-91 (Reg. 90, No. 22).

§ 66565.17. General Requirements for Lignifiable, Reactive, or Incompatible Waste.

(a) The owner or operator shall take precautions to prevent accidental ignition or reaction of lignifiable or reactive waste. This waste shall be separated and protected from sources of ignition or reaction including but not limited to: Open flames, smoking, cutting and welding, hot surfaces, flammable heat, sparks, static electricity, or mechanical ignition engine (e.g., from head-producing electrical equipment), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator shall control flaring and open flames to specifically designated locations.

(b) No "Smoking" signs shall be conspicuously placed where there is a hazard from ignitable or reactive waste.

(c) Where specifically required by other sections of this chapter, the manner, treatment, storage, or disposal of ignitable reactive waste, and the storage or commingling of incompatible wastes, or incompatible wastes and materials, shall be conducted so that it does not:

(1) generate extreme heat or pressure, fire or explosion, or violent reaction;

(2) produce uncontrollable toxic mixtures, flames, dusts, or gases in sufficient quantities to threaten human health or the environment;

(3) produce uncontrolled flammable mixtures or gases in sufficient quantities to pose a risk of fire or explosion;

(4) damage the structural integrity of the device or facility containing the waste; or
§ 6971. Employee Protection

(a) General

No person shall fire or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this chapter or under any applicable implementation plan, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this chapter or of any applicable implementation plan.

(b) Remedy

Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of Title 5. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the reinstating or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions of the Administrator or subject to judicial review under this chapter.

(c) Costs

Whenever an order is issued under this section to abate such violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary of Labor, shall have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

(d) Exception

This section shall have no application to any employee who, acting without direction from his employer (or his agent) deliberately violates any requirement of this chapter.
Hazardous Waste Management Program
Management Memo # EO-93-031-MM

DEFINITION OF "ONSITE" AND "ONSITE FACILITY"

Effective Date: November 20, 1993

Program Management Manual Volume: Permits, Surveillance and Enforcement

Subject Categories: Generator Requirements; Storage; Treatment; Transportation; Manifesting

Affected Programs: Facility Permitting, Surveillance and Enforcement

Issue:

The purpose of this management memo is to clarify several issues that have been raised relating to the interpretation and application of the definitions of "onsite" and "onsite facility" as set forth in Title 22, California Code of Regulations (22 CCR), section 66260.10. These definitions determine when transportation and manifest requirements apply; whether a storage or treatment unit is onsite or offsite with respect to the hazardous waste it receives (and thus what requirements and limitations apply); and whether two or more units can be considered as a single facility.

Background:

Health and Safety Code (HSC), chapter 6.5, article 2 and 22 CCR, section 66260.10 contain the following definitions:

"Onsite" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection, and access is by crossing as opposed to going along, the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which that person controls and to which the public does not have access, is also considered onsite property.

"Onsite facility" or "Onsite hazardous waste facility" means a facility:

(a) at which a hazardous waste is generated and which is owned by, leased to, or under the control of, the generator of the waste; and

(b) which is located on same or geographically contiguous property, on which the waste is produced, which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection, and access is by crossing as opposed to going along, the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which that person controls and to which the public does not have access, is also considered onsite property.

"Generator" or "Producer" means any person, by site, whose act or process produces hazardous waste identified or listed in chapter 11 of this division or whose act first causes a hazardous waste to become...
subject to regulation.

"Person" means an individual, trust, firm, joint stock company, business concern, corporation, including, but not limited to, a government corporation, partnership and association...

"Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Action:

1. Large Institutions

Most large universities and certain other institutions and governmental agencies can be physically described as one large contiguous property (referred to below as "campus"), owned by or otherwise under the control of the institution. This campus is typically intersected by a network of roadways, which may or may not be owned by or otherwise under the control of the institution, although the public has some degree of access to these roadways as dictated and controlled by the institution. In an urban setting the campus may be intersected by public streets not under the control of the institution.

On the typical campus there are numerous research labs, teaching labs, maintenance yards and buildings, etc., where hazardous waste is generated. The hazardous wastes generated at these numerous and scattered points are moved to one or more central hazardous waste management units located on the campus. Such movement typically involves the transportation of hazardous waste across and along the roadways intersecting the campus, but without transporting hazardous wastes outside the perimeter of the campus. The labs and other points of generation may be directly owned and operated by the institution or they may be operated by various "affiliates" of the institution pursuant to leases, agreements, interlocking directors and staff, research funding arrangements, etc.

The definitions listed above (see Background) shall be applied to universities and similar institutions as follows:

(a) All portions of the campus owned or under the control of the institution are considered to be a single onsite property, as long as they are contiguous and/or are connected by rights-of-way controlled by the institution.

(b) The central hazardous waste management units are considered to be onsite with respect to all hazardous waste generated on the campus, as described above in paragraph (a), IF the institution assumes full responsibility and liability in writing as the generator for all hazardous waste generated on the campus by the institution and its affiliates.

(c) Pursuant to 22 CCR, section 66263.10(b), transportation of hazardous waste from one portion of the campus meeting the "onsite" criteria described above in paragraph (a) to another is considered onsite transportation not subject to the transporter requirements of HSC, chapter 6.5, article 6 and 22 CCR, division 4.5, chapter 13. IF: (i) the institution assumes full responsibility as the generator of the waste; and (ii) the transportation of the waste occurs solely within the confines of the campus. If the hazardous waste is transported outside the perimeter of the campus, then the transporter requirements of the HSC and 22 CCR must be met.

2. Connected Non-contiguous Properties

Two non-contiguous properties connected by a right-of-way are considered to be "onsite" with respect to each other, IF all of the following criteria are met:

• The two properties are owned by or are under the control of the same "person";

• The connecting right-of-way is also owned by or is under the control of the same "person";

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• The connecting right-of-way is used to transport hazardous waste from one property to the other; and

• There is no public access to the connecting right-of-way. For example, the following would meet this criteria: an underground pipeline, an underground tunnel, or a securely fenced walkway or roadway.

The following policies apply to connected non-contiguous properties meeting the above criteria:

(a) Hazardous waste generated on one of the properties by the "person" who owns or controls both properties may be managed on either property as an onsite hazardous waste.

(b) Pursuant to 22 CCR, section 66263.10(b), transportation of hazardous waste along the connecting right-of-way, meeting the above criteria, is considered onsite transportation not subject to the transporter requirements of HSC, chapter 6.5, article 6 and 22 CCR, division 4.5, chapter 13. However, if hazardous wastes are transported from one property to the other along public rights-of-way (or rights-of-way not under the control of the person who owns or controls the properties), the transporter requirements (including manifesting) of the HSC and 22 CCR must be met.

(c) Connected non-contiguous properties meeting criteria (a) and (b) above that are used to manage offsite hazardous waste may be considered to be a single facility. (The regulations do not specifically address this issue. However, there is no apparent rationale or environmental or public health benefit for distinguishing between onsite and offsite facilities with respect to this particular issue.)

3. One Property Owner / Multiple Operators

For purposes of applying regulatory requirements that differentiate between hazardous wastes generated "onsite" versus "offsite" (for example, the lower tiers of the tiered permitting program are only available for wastes generated onsite), "onsite" waste is hazardous waste generated on contiguous property (or "connected" property meeting the criteria specified in section 2. above) owned by or under the control of the generator of the waste. This is consistent with the definition of "onsite facility".

For example, Company A may own a piece of contiguous property on which:

(a) Company A generates hazardous waste;

(b) Company B generates hazardous waste on a portion of the property which Company B leases from Company A;

(c) Company A manages hazardous waste generated on the property by Company A as well as some of the waste generated by Company B; and

(d) Company B also manages some of the hazardous waste it generates on the property leased from Company A.

Under this scenario, Company A's management of the waste generated by Company A and Company B's management of the waste generated by Company B are both considered to be onsite hazardous waste management activities. However, the management by Company A of the waste generated by Company B is an offsite hazardous waste management activity.

4. Treatment Residuals

Pursuant to HSC section 25200.3(c)(8), hazardous residuals resulting from the treatment of hazardous waste are not considered to be newly generated waste, and must be managed as either onsite or offsite.
hazardous waste depending upon the status of the waste prior to treatment.

Therefore, an authorized treatment facility that treats offsite hazardous waste must manage the hazardous residuals from such treatment as offsite hazardous waste. An authorized treatment facility that treats hazardous waste originally generated onsite may accumulate the resulting hazardous treatment residuals as onsite waste under the provisions of 22 CCR, section 66262.34. Onsite treatment residuals may also be treated (or otherwise managed) under the statutory and regulatory provisions applicable to onsite treatment and management activities.

5. U.S. Department of Transportation (DOT) Requirements

U.S. Department of Transportation (DOT) requirements apply to the transportation of hazardous waste along (versus across) all roads used by members of the general public, except those roads to which access is controlled at all times (e.g., control gates or guards). The distinction between "onsite" and "offsite", as described in this Management Memo, does not affect the applicability of the DOT requirements. These requirements, which address packaging, labelling, placarding, etc., are set forth in the Hazardous Materials Transportation Act, 49 U.S.C. 1801 et seq., and the Hazardous Materials Regulations, 49 CFR parts 171 through 180.

References: 22 CCR, sections 66260.10, 66263.10(b); Health and Safety Code, chapter 6.5, article 6 and sections 25117.12, 25118, 25120 and 25200.3(e)(8).

Contact:

Odette Madriago
Hazardous Waste Management Program
(916) 324-2997 or 8.454-2997
PROFS: OMADRIAG

Approved by: Ted N. Rauh, Deputy Director, Hazardous Waste Management Program

[Note:
If you have specific questions regarding this policy document in relation to your specific facility, please contact the duty officer in your region. If you have general questions regarding the policy document itself, please contact the individual listed in the policy document, or you may call (916) 323-6042.]

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Hazardous Waste Management Program
Management Memo # EO-93-008-MM

GENERATOR ACCUMULATION AND FACILITY STORAGE ACTIVITIES

Effective Date: January 10, 1994
Former Number: 93-HWM 4

Program Management Manual Volume: Permits, Surveillance and Enforcement
Subject Categories: Storage, Generators; Containers; Tasks; Treatment
Affected Programs: Facility Permitting, Surveillance & Enforcement

Issue:

The purpose of this management memo is to clarify a number of questions that have been raised relating to hazardous waste accumulation and storage activities at generator sites and at authorized storage facilities.

When a grant of authorization from the Department is required to hold hazardous waste, those holding activities are referred to as "storage." Those hazardous waste holding activities that do not require a grant of authorization are referred to as "accumulation," and are limited to the holding of waste onsite by the generator of the waste. There are two levels of regulation governing hazardous waste accumulation activities; "satellite" accumulation and "30-day" accumulation.

The BACKGROUND section of this management memo begins with a summary of the statutory and regulatory provisions that govern which hazardous waste holding activities require a grant of authorization and those which do not. This is followed by a step-by-step discussion of how to determine which storage or accumulation requirements apply to a given hazardous waste holding activity. The ACTION section of the management memo addresses a number of questions and issues that have been raised regarding hazardous waste accumulation and storage requirements.

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A. Definitions
and waste input and output records are maintained to ensure to the Department's satisfaction that the 5,000 gallon limit is not exceeded. Examples of control devices that might be used for this purpose are level measuring instruments and alarms, cutoff valves and overflow mechanisms. If the volume of waste in the tank/container exceeds 5,000 gallons at any time, a grant of authorization is required for the tank/container.

Note: Similarly, authorized storage facilities may replace tanks described in the original grant of authorization with larger tanks without a modification, if control devices and recordkeeping practices are used to ensure to the Department's satisfaction that the tank volume limit specified in the grant of authorization is not exceeded.

5. Storage in Excess of the Accumulation Quantity Limits

(a) Onsite storage of RCRA and non-RCRA wastes in excess of the 5,000 or 50,000 gallon limits for no more than 90 days is proposed for inclusion in the permit-by-rule (PBR) program. Therefore, pending adoption of new PBR regulations, the regulation of these storage activities will be addressed in the same manner as for other potential PBR activities.

(b) When a generator's accumulation volume exceeds one or both of the 50,000 gallon per-site limits for hazardous waste containing free liquids, the generator must obtain an applicable grant of authorization. However, the generator is not required to include all accumulation activities in the grant of authorization. The generator may continue to accumulate hazardous waste under the "90-day rules" as long as the total volume of hazardous waste containing free liquids held at the generator site under the "90-day rules" does not exceed the 50,000 gallon per-site limits.

Likewise, when an authorized storage facility (which is also a generator) exceeds one or both of the 50,000 gallon per-site limits in its generator accumulation activities, the facility must obtain a modification, as needed, to accommodate the excess within the scope of its storage authorization. However, the facility is not required to add all of its generator accumulation activities to the grant of authorization.

Once an activity is designated as authorized storage, it must continue to be operated as such, unless/until it qualifies for generator accumulation and the facility has complied with applicable requirements for conversion to generator status for that activity. (Conversion requirements will be addressed in a separate management memo.)

E. "Satellite" Accumulation Exemption

1. Qualifying Criteria for "Satellite" Accumulation Exemption

In order for a generator accumulation activity to qualify for management under the "satellite accumulation rules", all of the following criteria must be satisfied:

(a) The hazardous waste must be accumulated in containers.

(b) The hazardous waste must be accumulated "at the initial accumulation point", which must be "at or near the area where the waste is generated."

The term "at or near" means that the process generating the waste and the "satellite" accumulation point must be in the same or adjacent room or work area.

The term "initial accumulation point" means that there cannot be any interim accumulation of the waste prior to its being accumulated at the "satellite" accumulation point. However, certain generating activities (for example, equipment maintenance) may necessitate the temporary interim accumulation of the waste during the process of performing such activities. Such temporary interim storage will not disallow "satellite" accumulation of the waste, if the interim accumulation is necessary to the generating activity and if the waste is placed in the "satellite" accumulation area prior to the end of the work shift.