

Mary Pitto

From: uwaste@dtsc.ca.gov
Sent: Friday, September 19, 2008 6:03 PM
To: Mary Pitto
Subject: 15 DAY PUBLIC NOTICE AND COMMENT PERIOD NOTICE OF PUBLIC AVAILABILITY OF POST HEARING CHANGES

DTSC: Universal Waste

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15-DAY PUBLIC NOTICE AND COMMENT PERIOD
NOTICE OF PUBLIC AVAILABILITY OF POST-HEARING CHANGES

September 20, 2008 - October 6, 2008

Consolidated Universal Waste Regulations and Authorized Treatment of Electronic Hazardous Waste

Department of Toxic Substances Control Reference Number: R-2006-02 Office of Administrative Law Notice File Number: Z-2008-0616-03

Pursuant to Government Code section 11346.8, subdivision (c), notice is hereby given that the Department of Toxic Substances Control (DTSC) has revised the text of the proposed universal waste regulations, which would address the management of batteries, and would clarify treatment residual language and various universal waste management requirements. Most of these post-hearing text changes are the result of comments received during the 45-day public comment period.

A written comment period has been established commencing on September 20, 2008 and closing on October 6, 2008.

Availability of Text of Regulations

DTSC mailed the original text and made it available for public review and comment on June 27, 2008. A public hearing was held on August 11, 2008, during which written and oral testimony was accepted. In addition, written comments were accepted during the 45-day public comment period that ended August 11, 2008. DTSC has now made post-hearing changes to the proposed text. DTSC has determined that these changes do not impact the finding of the previously proposed Notice of Exemption prepared pursuant to the California Environmental Quality Act (CEQA).

This notice and the accompanying text can be found on DTSC's internet site at <http://www.dtsc.ca.gov>. The bold double strikeout text and the bold double underline text represent the most current revisions to the original text.

Summary of Proposed Regulations Noticed During the 45-Day Public Comment Period Proposed regulations in California Code of Regulations, title 22, division 4.5, chapter 10 (commencing with §66260.1) and chapter 11 (commencing with § 66261.1):

Establish a list of "covered electronic devices" as defined in Public Resources Code section 42463, subdivision (f), that are presumed to be hazardous waste when discarded. The devices listed are subject to the requirements of the Electronic Waste Recycling Act of 2003, as amended, and may be managed under the alternate standards for universal waste electronic devices that will be incorporated into California Code of Regulations, title 22, division 4.5, chapter 23 (commencing with §66273.1) by these proposed regulations. The listed devices are those identified in subsection (c) of appendix X of chapter 11, as amended by the R-04-12 and R-2006-05 emergency regulations. Federal regulations do not identify electronic devices that are presumed to be hazardous waste when discarded.

Require that the manufacturer of a listed electronic device notify retailers that the electronic device is a covered electronic device subject to the Electronic Waste Recycling Act of 2003, as amended, including the payment of the fee imposed by Public Resources Code, section 42464, pursuant to Health and Safety Code section 25214.10.1, subdivision (c), and as otherwise necessary to implement the Act.

Provide that the manufacturer of an electronic device, who has obtained DTSC concurrence that the device, when discarded, would not be a hazardous waste, as allowed by Health and Safety Code section 25214.10.1, subdivision (e), shall not be required to manage the electronic device as a covered electronic device and shall not be subject to these regulations.

Prohibit an electronic device, pursuant to Health and Safety Code section 25214.10, from being sold or offered for

sale if the electronic device is prohibited from being sold or offered for sale in the European Union due to the presence of certain heavy metals. Existing federal regulations do not prohibit the sale of electronic devices that are prohibited from sale or being offered for sale in the European Union.

Proposed regulations in California Code of Regulations, title 22, division 4.5, chapter 23 (commencing with §66273.1):

Establish alternate standards for treatment of electronic devices as universal wastes, as authorized by Health and Safety Code section 25214.9, subdivision (b). These standards are similar to those adopted in emergency regulations R-03-19 and R-2006-02.

Align state regulations with new federal regulations on management standards for universal waste mercury-containing equipment (MCE). To this end, regulations pertaining to various mercury-containing devices will be consolidated under "mercury-containing equipment."

Consolidate management standards for CRT material handlers and small quantity and large quantity handlers of universal waste under a single set of standards. Unlike federal regulations, state regulations will not distinguish between small and large quantity handlers except for notification requirements.

Reformat and consolidate the chapter 23 regulations applicable to other universal waste streams for clarification and internal consistency.

Note: Existing federal universal waste regulations do not address universal waste electronic devices, including CRT devices, CRTs and CRT glass.

Minor amendments were also proposed to align the following sections with the proposed amendments discussed above: California Code of Regulations, title 22, division 4.5, chapters 10 (Definitions), 11 (M-listed waste), 14 (Applicability for Permitted Facilities), and 15 (Applicability for Interim Status Facilities).

Submitting Comments

DTSC considers these new changes to the rulemaking to be sufficiently related changes, as defined by California Code of Regulations, title 1, section 42. This notice includes all revisions made to the text since those indicated during the original public comment period.

Notice is given that any interested persons may submit comments regarding these revisions and only these revisions of the text by e-mail to regs@dtsc.ca.gov or by mail to:

Laura Hayashi, Regulations Coordinator
Department of Toxic Substances Control
Regulations Section
PO Box 806
Sacramento, CA 95812-0806

Written comments submitted prior to 5:00 p.m. on October 6, 2008 will be considered.

The information upon which DTSC relied is available for public inspection between 8:00 a.m. and 5:00 p.m. at the Regulations Section, located on the 22nd Floor at 1001 I Street, Sacramento, California. Requests and inquiries concerning this matter may be directed to Laura Hayashi, Regulations Coordinator, Regulations Section, at the address indicated above or by telephone at (916) 322-6409. If the Regulations Coordinator is unavailable, telephone Nicole Sotak, Chief of the Regulations Section at (916) 327-4508.

Inquiries regarding technical aspects of the proposed alternative considered should be directed to Ellen L. Haertle, Office of Policy, DTSC, at (916) 324-2437. However, such oral inquiries are not part of the rulemaking record.

To subscribe to or unsubscribe from the DTSC: Universal Waste Listserv, please go to <http://www.calepa.ca.gov/listservs/dtsc>. For information on DTSC regulations, as well as other relevant developments go to <http://www.dtsc.ca.gov/LawsRegsPolicies/index.cfm>

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Mary Pitto

From: ewaste@calepa.ca.gov
Sent: Thursday, September 11, 2008 6:08 PM
To: Mary Pitto
Subject: California E-Waste Updates: Implementing the Electronic Waste Recycling Act

CIWMB Electronic Product Management ListServ

September 11, 2008

Dear Electronic Waste Stakeholder:

This electronic newsletter is an update on the implementation of California's Electronic Waste Recycling Act of 2003 and other electronic waste (e-waste) management developments in California.

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In this issue:

IMPORTANT NOTICE: NEXT CEW PAYMENT RATE CHANGE IMMINENT

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Important Notice: Next CEW Payment Rate Change Imminent

The next change to the covered electronic waste (CEW) combined recovery and recycling payment rate will be imposed on all recycling payment claims submitted on or after September 16, 2008. This change reduces the combined recovery and recycling payment for all properly cancelled and documented CEW from 43 cents per pound to 39 cents per pound.

This change follows on the heels of the initial reduction in the combined recovery and recycling payment rate from 48 cents per pound to 43 cents per pound that took effect on July 1, 2008. The stand-alone recovery payment rate was reduced to 16 cents per pound on July 1, 2008, and will remain at that level for the time being. These changes were enacted by the CIWMB at its May committee and Board meetings.

The combined rate paid to recyclers will be applied at the time that a complete recycling payment claim is received by the CIWMB pursuant to 14 CCR 18660.22, which states in part that the CIWMB shall determine a claim's receipt as either the date of the postmark on the claim package, or the date the claim package was physically received by the CIWMB, whichever is earlier.

Only complete and accurate claims can be accepted. Recyclers must note that in submitting a claim to the CIWMB they are making several certification statements. The person signing the claim is declaring under penalty of perjury that:

1. The approved recycler whom I represent is currently in compliance with all Federal, State and local requirements, including compliance with the requirements of the Act and this Chapter.
2. All claimed CEWs have been cancelled as specified in Section 18660.32 and are unable to re-enter the payment system, and all treatment residuals specified in Section 18660.22(c) derived from the claimed CEWs have been shipped to an end-use destination authorized to receive and further treat those treatment residuals.
3. I have certified the weights and verified the calculations, including the adjustments for CEWs from non-California sources and for prior cancellation.
4. This payment claim, including any and all accompanying documents has been examined by me and is true, correct and complete.
5. I understand that errors or omissions on my part may result in the CIWMB delaying or denying payment
6. I further understand that fraud could result in revocation of the recycler's approval

Recyclers should not attempt to prematurely submit incomplete or erroneous payment claims in an effort to secure a more favorable payment rate. Incomplete claims that do not contain all required information will not be accepted and will result in the recycler receiving the payment rate that applies at the time the claim is ultimately deemed complete. Note that the proper disposition of treatment residuals (i.e. CRT glass) is a component of a complete claim. The CIWMB encourages recyclers to be prudent in timing their claim submittals to avoid missing critical cut-off dates.

An unofficial version of the regulations that govern payment claims (14 CCR 18660.22 through 18660.31) is available through the CIWMB's website at:
<http://www.ciwmb.ca.gov/RuleArchive/2006/EWaste/default.htm>

Note that the changes to the payment rates may not yet be reflected in unofficial versions of the regulations!

The written agenda item and the accompanying attachments for the CIWMB's May consideration of payment rate reductions can be accessed through the following link:
<http://www.ciwmb.ca.gov/Agendas/>

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Please note that e-mail correspondence with the State of California related to e-waste management in general, and implementation of the Electronic Waste Recycling Act in particular, should be directed to ewaste@calepa.ca.gov.

Also note that an archive of past distributions of this newsletter is available at:
<http://www.ciwmb.ca.gov/Electronics/Act2003/Stakeholder/Updates/>

Thank you for your interest in shaping California's e-waste management future.

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To subscribe to or unsubscribe from the E-Waste listserv or other listservs, please go to <http://www.calepa.ca.gov/listservs/>. For information on California's Electronic Waste Recycling Act of 2003 (SB 20) implementation efforts, as well as other relevant developments go to <http://www.ciwmb.ca.gov/electronics>.

Mary Pitto

From: P2@dtsc.ca.gov
Sent: Monday, September 15, 2008 6:00 PM
To: Mary Pitto
Subject: September 2008 P2-ENews

DTSC: P2 E-News

California Department of Toxic Substances Control (DTSC) Office of Pollution Prevention and Green Technology (OPPGT) September 2008

Welcome to P2 E-News!

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1. Chemicals of Concern in Consumer Products (AB 1879) and Toxics Information Clearinghouse (SB 509)

AB 1879 (Feuer) and SB 509 (Simitian) passed both the California Assembly and Senate and await the Governor's signature. Chemicals policy is a priority area for California's future, and it is an area that we can provide some national leadership. AB 1879 creates a Health and Safety code article titled Chemicals of Concern in Consumer Products. It grants DTSC authority to adopt regulations to identify and prioritize chemicals of concern in consumer products, evaluate the hazard traits of chemicals and their alternatives, and establish a range of regulatory actions to protect public health and the environment. The bill is double-joined with SB 509 requiring DTSC to establish a web-based Toxics Information Clearinghouse for the collection, maintenance, and distribution of specific chemical hazard traits and environmental and toxicological end-point data.

California AB 1879 http://info.sen.ca.gov/cgi-bin/postquery?bill_number=ab_1879&sess=CUR&house=B&site=sen
California SB 509 http://info.sen.ca.gov/cgi-bin/postquery?bill_number=sb_509&sess=CUR&house=B&site=sen
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2. SEPTEMBER 19, 2008: THE FIRE RETARDANT DILEMMA PART VI: HEALTH AND CHEMICALS POLICY

Includes a panel on How Can Green Chemistry in California Solve the Fire Retardant Dilemma?

Friday, Sept 19, 2008, 8:30am - 3:30pm

150 University Hall, UC Berkeley

2199 Addison Street, Berkeley (Corner of Oxford & Addison Streets) RSVP with your contact information to:

FRDilemma@gmail.com

Questions: 510-644-3164

\$20 per person to cover lunch, continental breakfast and snacks

[http://greensciencepolicy.org/?page\\_id=9](http://greensciencepolicy.org/?page_id=9)  
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3. NAME CHANGE and REGISTRATION for Western Regional Pollution Prevention Network (WRPPN) Conference

Recently, the Western Regional Pollution Prevention Network (WRPPN) changed their name to the "Western Sustainability and Pollution Prevention Network" (WSPPN.) Don't forget the upcoming 2008 WSPPN Conference October 22-24, 2008, at the Hyatt Regency Hotel in Monterey, CA. Some new sessions added since our last newsletter includes Pollution Prevention and the Path to Green Chemistry with Ms. Claudia Polsky and The Promise and Peril of Nanomaterials with Jeffrey Wong, Ph.D. Ms. Claudia Polsky, DTSC's Deputy Director for Pollution Prevention and Green Technology, will highlight our program's expansion and transformation from reducing industry hazardous waste generation through voluntary programs and technical assistance to implementing new legal authorities related to toxic chemicals in consumer products, accelerating the search for safer alternatives, and ultimately, overseeing significant components of Cal/EPA's Green Chemistry Initiative. Mr. Wong, Ph.D. will provide inter

esting insights on the not-so-small world of nanomaterials and what may be in store for businesses, consumers, and regulatory agencies in California, the U.S., and internationally.

Full Conference Registration is \$375.00 and the Lodging Rate is \$129.00/night. WSPPN's Green Team is working with the hotel to implement activities to help registrants reduce the Conference's environmental impact. The idea is to leave Monterey just as we find it--GREEN. Conference registrants will be encouraged to sign a Green Pledge to carpool, reuse linens, etc. WSPPN is now accepting Conference registration at <http://www.wsppn.org/> Early registration ends October 2nd. If you have technical difficulties during registration, don't hesitate to call Raul "Ed" Gonzalez, WSPPN Regional Coordinator at 702-866-2390, Fax: 702-866-6800, raulg@unr.edu

4. NOVEMBER 10, 2008: GREEN CHEMISTRY AND ENVIRONMENTAL HEALTH CONFERENCE

We need the environmental health sciences to help us better understand the mechanisms by which chemicals interact with biological systems and we need green chemistry to help us design products with this knowledge built in to the very molecules. This conference brings together leaders from both of these fields. It is free of charge and open to the public. Reservations are not required, but are encouraged due to seating limitations. Individual session attendance is welcome. <http://www.gcandehs.org/Site/Home.html>

Monday, November 10, 2008

Beckman Center of the National Academies Irvine, California All presentations will be digitally recorded and available online at www.advancinggreenchemistry.org If you are unable to attend, but would like to participate, the conference will be broadcast online. Virtual participants will be able to submit questions for speakers during Q&A sessions. E-mail registrar@advancinggreenchemistry.org for login instructions.

5. SEPTEMBER 25, 2008: COMMENTS DUE ON SAMPLING AND ANALYSIS STUDY ON TREATED WOOD

The Department of Toxic Substances Control is soliciting comments, questions, and suggestions on their draft Sampling and Analysis Study on Treated Wood. Treated wood waste often contains hazardous chemical levels and generators must make the waste classification determination. If generators use sampling results for classifying their waste, then California regulations require a representative sample collection. This report contains sampling collection and field/laboratory preparation methods that apply to mixed and millable treated wood.

All written comments must be post marked no later than September 25, 2008 or received by electronic mail no later than 5:00 p.m. that same day. The final report will incorporate the comments received and their responses. DTSC will not prepare a separate written Response to Comments document. See the DTSC website for more information. http://www.dtsc.ca.gov/HazardousWaste/treated_wood_waste.cfm

6. 46 MILLION IN U.S. HAVE DRUGS IN DRINKING WATER

Drinking water pharmaceuticals testing revealed trace amounts affecting more Americans than previously thought - at least 46 million. The first Associated Press (AP) stories prompted federal and local legislative hearings, brought about calls for mandatory testing and disclosure, and led officials in at least 27 additional metropolitan areas to analyze their drinking water. To date, positive tests were reported in 17 cases, including Reno, NV, Savannah, GA, Colorado Springs, CO, and Huntsville, AL. The overwhelming majority have not tested drinking water while eight cities - including Boston, Phoenix and Seattle - were relieved that tests showed no detections. The latest tests mirrored those cited earlier. Chicago, for example, found a cholesterol medication and a nicotine derivative. Many cities found the anti-convulsant carbamazepine. Colorado Springs says they detected five pharmaceuticals, including a tranquilizer and a hormone. "This is obviously an emerging issue, and a

fter the AP stories came out, we felt it was the responsible thing for us to do, as a utility, to find out where we stand. We believe that at these levels, based on current science, that the water is completely safe for our customers," said Colorado

Springs spokesman Steve Berry. "We don't want to create unnecessary alarm, but at the same time we have a responsibility as a municipal utility to communicate with our customers and let them know."

The drug residues detected are generally flushed into sewers and waterways through human excretion. Many are known to slip through sewage and drinking water treatment plants. While the comprehensive risks are still unclear, researchers are finding evidence that even extremely diluted pharmaceutical residues harm fish, frogs, and other aquatic species in the wild and impair the workings of human cells in the laboratory. And while the new survey expands the known extent of the problem, most communities have yet to test, including the single largest water provider in the country, New York City's Department of Environmental Protection, which delivers water to 9 million people.

<http://www.msnbc.msn.com/id/26662637/>

7. OCTOBER 4-11, 2008: NO DRUGS DOWN THE DRAIN! CAMPAIGN

Join local, regional, state and federal agencies in a one-week California-wide educational campaign October 4-11, 2008, to educate the public that disposing leftover medication down the toilet is no longer acceptable. The campaign No Drugs down the Drain will provide the public with information on alternative disposal options throughout the state. Agencies and organizations can participate in many ways. Visit <http://www.nodrugsdownthedrain.org/StatewideCampaign.html> for ideas and instructions. Download additional tools at <http://www.ororkepr.com/NDDD/NDDD.html>

8. NOVEMBER 10, 2008: COMMENTS DUE ON EPA HEALTH CARE FACILITY PHARMACEUTICAL QUESTIONNAIRE

For many years, health care facilities disposed unused pharmaceuticals down the drain or by flushing them down the toilet. EPA hopes to understand why some health care facilities are still disposing pharmaceuticals in this manner and how to best influence facilities to manage unused pharmaceuticals properly. They are planning to submit an Information Collection Request (ICR) to hospitals, long-term care facilities, and veterinary hospitals to collect current disposal practices and alternative practices for managing unused pharmaceuticals. This data will also give the types and amounts of unused pharmaceuticals being disposed. EPA will use this information to estimate waste generation reductions that Best Management Practices can achieve. EPA is soliciting comments on the ICR. Comments are due on or before November 10, 2008. <http://www.epa.gov/waterscience/ppcp/>

9. STARBUCKS MOVES AWAY FROM FAIR TRADE; SETS OWN RESPONSIBLE PURCHASING MEASURE

Unable to meet demand purchasing Fair Trade certified beans, Starbucks wrote their own coffee standards in consultation with Fair Trade, the Rainforest Alliance, and Conservation International to increase their purchase of responsibly-sourced coffee. Starbucks's C.A.F.E. or "Coffee and Farmer Equity" standards are based on four criteria: quality, economic accountability, social responsibility, and environmental leadership, largely differing from Fair Trade in that it includes quality as a criterion. C.A.F.E. ensures that all payments from the farmer to final purchase are transparent (though they do not publish a bare minimum price to be paid to the farmer as Fair Trade does), supports workers' rights, requires the use of shade-grown coffee and energy conservation practices, and limits the use of agrochemicals. Despite some expected criticism and inconsistencies in the first months, WeBuyItGreen.com considers C.A.F.E. standards a "vast improvement" on the traditional coffee ma

rket.

Starbucks' C.A.F.E. Practices <http://blog.webuyitgreen.com/2008/08/16/starbucks-cafe-practices.aspx>

10. RESULTS OF FIRST-EVER GREEN RESTAURANT CONTEST IN THE US

San Francisco, Calif., August 18, 2008 -Thimmakka, an award winning non-profit organization helping over a hundred Bay Area restaurants become green, conducted the first ever U.S. contest to determine the most environmentally friendly Bay Area restaurants. There were over 40 entries from all over the Bay Area, including Napa and Sonoma counties. The judging was done by: Gil Friend of Natural Logic, Rachel Balsley of StopWaste.org, Andy Katz, an environmental planner and a Director of East Bay Municipal Utility District, Pamela Evans of the Green Business Program, Alison Negrin, Executive Chef of John Muir Hospitals, and Lauren Mills of Food Service Technology Center. Two restaurants tied for top place: Vineyards Inn (Kenwood, unincorporated Sonoma) and Mixt Greens (San Francisco). "We hope that this contest spurs people to seek out these green restaurants," says Suparna Vashisht, Managing Director of Thimmakka, "because by the simple act of dining at a green restaurant, you a

re supporting their commitment to your health and the environment." For more information on Thimmakka and a list of

certified restaurants, go to www.thimmakka.org ~~~~~

11. LEAD WHEEL WEIGHTS TO BE PHASED OUT IN CALIFORNIA BY END OF 2009

A court settlement approved August 20, 2008, ends a May lawsuit filed by the Oakland-based Center for Environmental Health against Chrysler and the three largest manufacturers of lead wheel weights for the U.S. market. Lead wheel weights, used to balance vehicle tires but considered a threat to drinking water, will be phased out in California by the end of next year. In its suit, the Center for Environmental Health contended that fallen wheel weights release 500,000 pounds of lead each year into the environment in California. Chrysler will end factory-installed lead wheel weights in vehicles sold in California by July 31, 2009. Wheel-weight producer Plombco Inc. of Canada will end lead wheel weight shipments to California by the end of this year. Tennessee Based manufacturers, Perfect Equipment Inc. and Hennessey Industries, will stop shipments to California by the end of 2009.

Lead wheel weights have been under attack for several years by environmentalists. They were banned by the European Union in 2005 and are being phased out in Japan and South Korea. The U.S. Environmental Protection Agency is sponsoring a voluntary initiative to reduce lead wheel weight usage but has not banned them. Goodyear Tire & Rubber Co. and other big tire makers are phasing them out, as are all the major automakers. The California lawsuit was filed under Proposition 65, the Safe Drinking Water and Toxic Enforcement Act. The law requires posting of public warnings in businesses or on products that could expose people to chemicals that government scientists have found cause cancer or birth defects. <http://www.latimes.com/business/la-fi-wheels21-2008aug21,1,1502658.story>
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### 12. JUNK RAFT SAILS TO HAWAII TO PROTEST PLASTIC POLLUTION OF THE SEA

Departing from Los Angeles on June 2, 2008 for Hawaii, Algalita Marine Research Foundation staff set sail on "Junk," a raft built on 15,000 plastic bottles to call attention to a major oceanic environmental problem - the plastic trash accumulation in the seas. Their 2,100 mile journey took them through the plastic-plagued Northern Pacific Gyre. Designed by Dr. Marcus Eriksen and Joel Paschal, the raft boasts an airplane fuselage, discarded fishing nets, a solar generator, and a wind turbine. Anna Cummins, Mr. Eriksen's fiancée, took care of land support, blogs, and fundraising. The men said a variety of marine life gathered under the raft throughout the trip. One day they caught a fish after watching it grow for five weeks. They were going to eat it, but when they cut it open they found its stomach was full of plastic confetti.

Algalita's current research includes the prevalence and quantification of plastic debris, biological impact on marine life, and the desorption of plastic toxins into the ambient ocean water. Marine debris weighing approximately 3.5 million tons floats in an area known as the "great Pacific garbage patch." Captain Charles Moore, founder of the Algalita Marine Research Foundation, received a U. S. EPA Region 9 Environmental Award for his efforts to protect and preserve the environment in 2007. They are quantifying and researching the impacts of this body of marine plastics debris -- approximately twice the size of Texas. Capt. Moore documents that the plastics block sunlight and prohibit photosynthesis of plankton, the largest food supply for marine animals in the area. While some debris originates from oceanic vessels, 80 percent originates on land and travels by current to the area. Moore's research is educating oceanographers and leading to increased public awareness about t

he quantity and severity of marine debris. His established protocols will minimize the amount of future plastic debris. <http://algalita.org/index.html> ~~~~~

### 13. UNIVERSITY OF CALIFORNIA (UC) A 'SHINING STAR' FOR COLLEGE CAMPUSES IN SUSTAINABILITY

Sierra magazine has placed the UC's 10 campuses "in a league of their own" in their second annual green college guide. "We really wanted to highlight the great work that schools throughout the [UC] system are doing," said Josie Garthwaite, Sierra lifestyle editor. "It's a real leader when it comes to environmental policies in higher education." The magazine spotlights several of UC's green efforts, such as vegetarian dining options at UC Berkeley, UC Davis harvesting campus olive trees into award-winning olive oils, UC Santa Cruz offsetting 100 percent of its electricity consumption with renewable energy credits, solar-powered water heaters at four UCLA student residence halls, and UC San Diego generating renewable energy. The UC system also earned a spot in Kaplan College Guide 2009's top 10 greenest schools (the top 10 are not assigned a number ranking), calling it "a leader in green initiatives across its ten campuses." Kaplan Publishing, a New York-based educational services provider, focused its 2009 college guide for the first time on environmentally responsible schools and green careers. <http://www.reuters.com/article/pressRelease/idUS135812+05-Aug-2008+PRN20080805> Hearst's TheDailyGreen.com ranked the UC system as No. 7 on its list of 10 of the greenest colleges in America. <http://www.thedailygreen.com/environmental-news/latest/10-greenest-colleges-460708>  
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14. From exposure to illness: Community health studies and environmental contamination WEBSITE

For over 17 years, the California Department of Public Health Environmental Health Investigations Branch has received funding from the Agency for Toxic Substances and Disease Registry (ATSDR, a CDC agency) to study links between environmental exposure to chemicals and health effects in California communities. In this work, community members often conduct health surveys to count the number of people with illnesses in their community. This website presents the challenges of environmental health studies in small communities including the step-by-step process epidemiologists go through when deciding whether it is appropriate to conduct a health study, and real world health study examples. They complement the epidemiology information with sections covering the basics about environmental health, how scientists study the environment, and agencies involved in environmental health. They also provide activities and resources other than health studies that can help communities identify

and achieve their goals. <http://www.communityhealthstudies.com>

15. RETAIL INDUSTRY LEADERS ASSOCIATION (RILA) TO LAUNCH EPA SUSTAINABILITY WEB PORTAL

Something for us to watch for in the near future

RILA, the Retail Industry Leaders Association, is working with the U.S. Environmental Protection Agency (EPA) to design and launch a sustainability web portal. The website will act as a clearinghouse on pollution prevention, sustainability practices, and environmental compliance for retailers. The industry-specific web portal is the product of RILA's Sustainability Initiative, introduced last year to help leading retailers to pursue better business practices.

<http://www.environmentalleader.com/2008/08/18/rila-to-launch-epa-sustainability-web-portal/>

16. USE OF RISK ASSESSMENT IN MANAGEMENT OF CONTAMINATED SITES

The Interstate Technology & Regulatory Agency (ITRC) Risk Assessment Resources Team completed and posted their report Use of Risk Assessment in Management of Contaminated Sites. ITRC is a state-led coalition and consists of 50 states, the District of Columbia, multiple federal partners, industry participants, and other stakeholders, cooperating to break down barriers and reduce compliance costs, making it easier to use new technologies, and helping states maximize resources. ITRC develops guidance documents and training courses to meet regulator and environmental consultant needs, and works with state representatives to ensure that ITRC products and services have maximum impact among state environmental agencies and technology users. The report is available free online at

http://www.itrcweb.org/Documents/Risk_Docs/RISK2.pdf Contact: Paul Hadley (916) 324-3823

17. AN ASSESSMENT OF ZERO VALENCE IRON PERMEABLE REACTIVE BARRIER PROJECTS IN CALIFORNIA

The development of permeable reactive barriers (PRBs) to treat chlorinated solvents in ground water emerged in the mid-1990's. Granular zero valent iron (ZVI), installed primarily to treat chlorinated solvents such as trichloroethylene, has been the most common material emplaced in PRBs. Before the advent of zero valent iron permeable reactive barrier (ZVI PRB) technology, most sites utilized an expensive system of pumps, air strippers, and carbon absorption systems to extract and treat groundwater contaminated with chlorinated solvents. These systems were capital intensive and required significant expenditures for operation and maintenance. To assess the current status of this technology's deployment in California, ten ZVI PRB installations completed at hazardous waste sites were identified and evaluated. This report provides an in depth review of the remediation performance for each of these projects. DTSC hopes this document can be a guide to present lessons learned from

past projects and set realistic expectations in future projects. <http://www.dtsc.ca.gov/TechnologyDevelopment/index.cfm>
Contact: John Muegge at jmuegge@dtsc.ca.gov

18. GREENVERSATIONS - THE OFFICIAL BLOG OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY

This blog is written by EPA employees (and occasional guests) about the things they bring to their jobs every day and includes a short biography about each contributor. It was launched after Earth Day this year and has a broad range of topics, including the Blog Question of the Week. Some links exit EPA or have Spanish content. The opinions and comments expressed in Greenversations are those of the authors alone and do not reflect an Agency policy, endorsement, or action, and EPA does not verify the accuracy of the contents of the blog. <http://blog.epa.gov/blog/> EPA also launched a new design for their web site's home page and several new pages that support it. The National Web Content Manager for EPA states that they are working to create a site for mobile phones and are exploring social media like YouTube. You can comment on how you think EPA should improve their webpage on the Blog or on their sneak preview page <http://www.epa.gov/epahome/sneak.htm>

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19. CYANIDE PERMIT-BY-RULE REGULATIONS

New California Permit-by-Rule regulations for cyanide became effective on August 6, 2008. The regulations authorize onsite treatment of dilute aqueous cyanide-containing wastewaters generated onsite. This change allows facilities previously operating under a Consent Order from DTSC to obtain authorization for treatment of cyanide-containing wastes from the CUPA. Throughout September, DTSC is conducting training sessions for CUPAs and interested parties throughout California, including Sacramento, Berkeley, Cypress, Chatsworth, San Diego, and Fresno. Contact Ms. Asha Arora at [aarora@dtsc.ca.gov](mailto:aarora@dtsc.ca.gov) or 510-540-3874 [http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/Cyanide\\_final.cfm](http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/Cyanide_final.cfm)  
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As always, we encourage you to tell your friends and associates about P2 E-News! Anyone interested is welcome to subscribe using the DTSC Listserv webpage at <http://www.calepa.ca.gov/Listservs/dtsc/> (scroll down to DTSC P2 E-News and click on Subscribe).
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Pollution Prevention (P2) - Changing the way we think and act so we reduce or eliminate waste and pollution.

That's all this month, folks!  
P2 E-News, Volume 3, Number 3  
September 2008

To subscribe to or unsubscribe from the DTSC: P2 E-News Listserv or other DTSC Listservs, go to <http://www.calepa.ca.gov/Listservs/dtsc/> For more information on DTSC pollution prevention programs and activities, go to <http://www.dtsc.ca.gov/PollutionPrevention/index.cfm>

## Mary Pitto

---

**From:** P2@dtsc.ca.gov  
**Sent:** Thursday, September 18, 2008 6:00 PM  
**To:** Mary Pitto  
**Subject:** SB 1916 Workplan

DTSC: P2 E-News

The Department of Toxic Substances Control (DTSC), Office of Pollution Prevention and Green Technology, has prepared its two-year pollution prevention work plan for fiscal years 2008-2010. The work plan is prepared pursuant to the requirements of Health & Safety Code section 25244.22. The work plan details planned pollution prevention activities over the two-year implementation period.

The draft document is available for review here:

[http://www.dtsc.ca.gov/PollutionPrevention/SB1916/upload/DTSC\\_DRAFT\\_P2\\_08-10\\_Work\\_Plan.pdf](http://www.dtsc.ca.gov/PollutionPrevention/SB1916/upload/DTSC_DRAFT_P2_08-10_Work_Plan.pdf)

There will be a meeting of the DTSC Pollution Prevention Advisory Committee in late October or early November. All members of the public are invited to attend. At that meeting, the draft work plan will be discussed and the public will be encouraged to provide their input.

Information about the specifics of the meeting (date, room, location, etc.) will be distributed when available.

If you prefer, you may submit written comments, via e-mail (to Kathy Barwick at [kbarwick@dtsc.ca.gov](mailto:kbarwick@dtsc.ca.gov)), or via regular mail, to Ms. Barwick at:

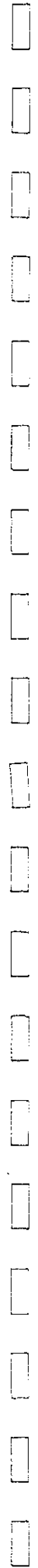
Kathy Barwick  
Department of Toxic Substances Control  
P.O. Box 806 MS 12-A  
Sacramento, CA 95812-0806

Please provide any written comments by November 3, 2008.

Kathy Barwick  
Office of Pollution Prevention  
and Technology Development  
Dept. of Toxic Substances Control  
(916) 323-3381  
fax (916) 327-4494

To subscribe to or unsubscribe from the DTSC: P2 E-News Listserv or other DTSC Listservs, please go to <http://www.calepa.ca.gov/Listservs/dtsc/>.

For more information on DTSC pollution prevention programs and activities, please go to <http://www.dtsc.ca.gov/PollutionPrevention/index.cfm>.





# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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LINDA S. ADAMS  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER  
GOVERNOR

## Unified Program Newsletter September 2008

### IN THIS ISSUE:

- Cal/EPA** Criminal Environmental Investigations Training  
Changes to the 2008 and 2009 Evaluation Schedule  
Annual Summary Reports Due
- DTSC** DTSC TWW Workshop
- SWRCB** New Enforcement Unit Supervisor  
Basic UST Inspector Training  
LG 164-1 – Reporting of Significant Operational Compliance  
Report 6 and Red Tag Reporting
- OES** None
- OSFM** None

### Cal/EPA

#### **Criminal Environmental Investigations Training**

Cal/EPA and the Western States Project (WSP) are offering scholarships to the "Introduction to Criminal Environmental Investigations" class. The training will be held in Salt Lake City Utah from October 27-29, 2008. These are full scholarships that will cover registration, travel costs and per diem. You must apply to Cal/EPA by 5:00 p.m. on **Wednesday September 10, 2008**. This training is appropriate for regulators, investigators, prosecutors and in house counsel. This training is limited to government employees only. This course fulfills the requirement for training required to attend the Advanced Criminal Investigation training co-sponsored by the Federal Law Enforcement Training Center (FLETC). The training will be held in Salt Lake City Utah from October 27-29, 2008. Please share this information as the application deadline is September 10. This information is/will soon be online at <http://www.calepa.ca.gov/Enforcement/>.

To apply, send an email to Jami Ferguson at [jferguson@calepa.ca.gov](mailto:jferguson@calepa.ca.gov) with the following information:

- Name
- Title
- Agency
- Program area (hazardous waste, solid waste, air, water, pesticides etc.)
- Email address
- Mailing address
- Phone number
- Supervisor's name
- Supervisor's email address
- Supervisor's phone number
- Duties (particularly as they relate to enforcement)
- Have you ever attended the "Introduction to Criminal Environmental Investigations" training?
- Have you ever received a WSP or Cal/EPA Scholarship before? If so, when?

Incomplete applications will not be considered. You will be notified via email of scholarship award and will receive further instructions at that time.

### **Changes to the 2008 and 2009 Evaluation Schedule**

The continuing lack of a state budget has caused the rescheduling of several CUPA evaluations.

- San Benito County has been rescheduled from September 10, 2008 and September 11, 2008 to Tuesday, November 4, 2008 and Wednesday, November 5, 2008
- Humboldt County has been rescheduled from September 16, 2008 and September 17, 2008 to Wednesday, April 1, 2009 and Thursday, April 2, 2009
- Shasta County has been rescheduled from November 4, 2008 and November 5, 2008 to Tuesday, February 10, 2009 and Wednesday, February 11, 2009

The posted evaluation schedule will be updated.

### **Annual Summary Reports Due**

The Annual Summary Reports including, Annual Single Fee Summary Report, Annual Inspection Summary Report, and Annual Enforcement Summary Report, are due to Cal/EPA Unified Program by September 30, 2008. These reports cover activity from July 1, 2007 through June 30, 2008. This year is a transition year in the reports. The Annual Inspection Summary Report and the Annual Enforcement Summary Report were modified as part of the Title 27 regulation changes that became effective in December 2007. Cal/EPA has made the new reports, instructions and the revised data dictionary available on its web site (<http://www.calepa.ca.gov/CUPA/Publications/#CUPAtoState>) since January 2008. However, since the reports are for a time period prior to the final regulations, CUPAs can either use the old reports or if they have been collecting the new information long enough, they can use the new reports. Contact: Farida Rozy, [frozy@calepa.ca.gov](mailto:frozy@calepa.ca.gov).

### **Department of Toxic Substances Control**

#### **DTSC TWW Workshop**

On September 11, 2008, the Department of Toxic Substances Control (DTSC) will hold a public workshop in Sacramento Cal/EPA Building to present the findings of DTSC's just-completed report on potential non-RCRA hazardous waste stream of creosote and copper-based preservative-treated wood. The workshop notice was distributed on August 11, 2008, to approximately 18,800 invitees (via mass mailings, listservs, and e-mails). The workshop notice, the report, and the amended Treated Wood Waste Management Fact Sheet were posted on the DTSC's TWW web site.

For locations and workshop notice, see

[http://www.dtsc.ca.gov/HazardousWaste/upload/TWW\\_Workshop\\_Notice\\_91108.pdf](http://www.dtsc.ca.gov/HazardousWaste/upload/TWW_Workshop_Notice_91108.pdf).

To reserve the seat, please send an email to [tw\\_w\\_help@dtsc.ca.gov](mailto:tw_w_help@dtsc.ca.gov).

For more information contact Li Tang at (916) 322-2505 or visit DTSC TWW webpage at

[http://www.dtsc.ca.gov/HazardousWaste/Treated\\_Wood\\_Waste.cfm](http://www.dtsc.ca.gov/HazardousWaste/Treated_Wood_Waste.cfm).

### **State Water Resources Control Board**

#### **New Enforcement Unit Supervisor**

We are pleased to announce that Kim Sellards has accepted the supervisor position in the UST Enforcement Unit. She is a senior Engineering Geologist who has worked for three years in the UST Enforcement Unit. Before she came to the State Water Board, Kim spent two years in the UST program at the Central Valley Regional Water Quality Control Board. Prior to her state service, Kim worked for 5 years at Dames & Moore, an international environmental consulting company, doing remediation at contaminated soil and groundwater sites (Superfund, AST, and UST). Kim earned her BS in Geological Engineering from the University of Missouri-Rolla and her MS in Geological Engineering from the University of Mississippi-Oxford. Please help us in congratulating Kim on her new position. She can be reached at [ksellards@waterboards.ca.gov](mailto:ksellards@waterboards.ca.gov) or (916) 341-5869

**Basic UST Inspector Training**

John Elkins is holding a Basic UST Regulatory and Compliance training in Sacramento on Monday, September 29. Participants will be provided with a thorough overview of UST requirements. The class is for UST inspectors with less than one year of experience and will be hosted at the Cal/EPA Headquarters from 8:00 a.m. to 4:00 p.m. Pre-registration is mandatory and the registration deadline is September 22. Email John for registration.

If you have future training needs and would like to host a class, please contact John to arrange the details.

**UST Program Contact:** John Elkins ([jelkins@waterboards.ca.gov](mailto:jelkins@waterboards.ca.gov); 916-341-5668).

**LG 164-1 – Reporting of Significant Operational Compliance**

On July 23, 2008, the State Water Board amended LG 164 – Reporting of Significant Operational Compliance to reflect changes in reporting frequency and the number and method of reporting categories for significant operational compliance (SOC). The release detection and release prevention criteria for SOC have not changed.

**UST Program Contacts:** Terry Snyder ([tsnyder@waterboards.ca.gov](mailto:tsnyder@waterboards.ca.gov); 916-341-5385) or Terry Brazell ([tbrazell@waterboards.ca.gov](mailto:tbrazell@waterboards.ca.gov); 916-341-5645).

**Report 6 and Red Tag Reporting**

Beginning with the September 1, 2008 submittal, CUPAs will be reporting Report 6 and Red Tag data on a semi-annual basis using revised forms contained in the Title 27 regulations, effective January 18, 2008. The revised forms are available on the Unified Program website. As in the past, each CUPA will receive a Report 6 form pre-populated with data from the previous reporting period. We will send out the pre-populated forms in early July. They are due back with January-June 2008 data by September 1, so that we can report back to USEPA by October 2008.

We have simplified the Report 6 form in several ways:

- 1) Replace the previous Column B that showed net changes with a new Column B that shows number of new facilities or systems and add a Column C to show number of closed facilities or systems;
- 2) Delete reporting of UST systems with release detection and UST systems with release prevention, which were 1998 upgrade requirements;
- 3) Revise significant operational compliance reporting to create 4 categories that do not overlap: facilities in compliance with release detection only; facilities in compliance with release prevention only; facilities in compliance with both release detection and release prevention; and facilities with violations of both release detection and release prevention.

The Red Tag data requirements were changed to add the facility owner's name and facility operator's name to the form. Red Tag data are submitted as side 2 of the Report 6 form. A place was added to the bottom of the Report 6 form to be checked if no Red Tags were issued during the reporting period. The Red Tag form was redesigned to make it easier to enter the required information.

**UST Program Contact:** Terry Snyder ([tsnyder@waterboards.ca.gov](mailto:tsnyder@waterboards.ca.gov); 916-341-5385).

**Governor's Office of Emergency Services**

None

**Office of the State Fire Marshal**

None







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LINDA S. ADAMS  
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ARNOLD SCHWARZENEGGER  
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## Unified Program Newsletter October 2008

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| <b>DTSC</b>    | <b>2008 Verification Questionnaire and Manifest Fees Assessment Intermediate Hazardous Waste Inspector Training</b>                           |
| <b>SWRCB</b>   | <b>Guidance Letter for Dealing with the CARB EVR Deadline Update to Matrix of Pipe Monitoring Applications Report 6 and Red Tag Reporting</b> |
| <b>OES</b>     | <b>Fact Sheets</b>                                                                                                                            |
| <b>OSFM</b>    | <b>None</b>                                                                                                                                   |

### Cal/EPA

#### **Mandatory Electronic Reporting Legislation Passes**

Assembly Bill 2286 requiring Unified Program electronic reporting has been passed and it requires the electronic submittal of Unified Program data by 2013. The regulated community will be able to submit data directly to their local CUPAs and Participating Agencies (UPA). Alternatively, the regulated community will be able to exchange data with Cal/EPA with Cal/EPA serving as a virtual data warehouse. Cal/EPA will in turn exchange specific data with US EPA and will create a public access website that will display information mandated to be provided to the public.

The bill provides a funding mechanism for the transition to e-reporting. Each regulated business will be required to pay up to \$25 per year for three years via the Unified Program service charge process. This will result in a total of approximately \$10 million. Of this amount, about \$2 million will remain with Cal/EPA for the development and ongoing maintenance and support of the state's data submission portal and data exchange system. The remaining approximately \$8 million will be distributed to or used directly to support the UPAs. A mechanism of fund allocation and distribution is currently being developed. These funds or services contracted by Cal/EPA will be available to UPAs to fund various aspects of the transition to e-reporting.

For more information, look for a series of bulletins coming over the next several months, continue to follow in the Newsletter or contact Jim Bohon at [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov) or Corey Vincent at [cupa@srcity.org](mailto:cupa@srcity.org).

#### **Changes to the 2008 and 2009 Evaluation Schedule**

The delay in the state budget caused the rescheduling of several CUPA evaluations.

- Mendocino County was rescheduled from September 23 and September 24, 2008 to October 8 and October 9, 2008.
- San Benito County has been rescheduled from September 10 and September 11, 2008 to November 4 and November 5, 2008

- El Dorado County has been rescheduled from November 12 and November 13, 2008 to January 7 and January 8, 2009.
- Shasta County has been rescheduled from November 4 and November 5, 2008 to February 10 and February 11, 2009
- Humboldt County has been rescheduled from September 16 and September 17, 2008 to April 1 and April 2, 2009

### **Department of Toxic Substances Control**

#### **2008 Verification Questionnaire and Manifest Fees Assessment**

As reported in the June 2008 Unified Program newsletter, DTSC delayed mailing the 2008 Verification Questionnaire (VQ) and Manifest Fees Assessment. We're happy to report that the VQ and Manifest Fees Assessment will be mailed on October 27, 2008 to approximately 130,000 permanent and temporary EPA ID number holders.

DTSC will have dedicated telephone lines and staff to answer calls regarding the verification questionnaire and manifest assessment process. Please refer verification and manifest assessment callers to (877) 454-4012 (toll-free) when calling from within California, and (916) 255-4439 when calling from outside California. The telephone lines will be extremely busy for several weeks after the mailing.

Frequently Asked Questions about the Verification Questionnaire and Manifest Fees Assessment are available at [www.dtsc.ca.gov](http://www.dtsc.ca.gov) under **Information for Business, ID Numbers and Manifests** and click on the link for **California ID Number page**.

#### **Intermediate Hazardous Waste Inspector Training**

This is an Intermediate level class for inspectors to brush upon Tiered Permitting. Specific topics include waste eligibility, treatment technologies and their applicability, tier determination, treatment permit exemptions (including the various recycling and reuse exemptions and their interaction with tiered permit regulations), unit determination, financial assurance, engineering certifications, and recordkeeping specific to Tiered Permitting. Generator requirements as they relate to Tiered Permitting inspections will be discussed. A brief overview of the recently finalized cyanide treatment PBR requirements and restrictions will also be covered. Attendees should be knowledgeable in basic hazardous waste determination and overall generator standards.

Date and Time: October 14, 2008, 9:00 A.M. to 2 P.M

Location:

Napa County Administration Building  
Human Resources Training Room, Suite 103 (Next to the Env. Mgt. Office)  
Napa, CA 94559

Please contact Darell W. Choate at [dchoate@co.napa.ca.us](mailto:dchoate@co.napa.ca.us) or 707-253-4471 to register for this class.

Registration will be limited to 25 participants.

Please contact Asha Arora at (510) 540-3874 if you have additional questions.

### **State Water Resources Control Board**

#### **Guidance Letter for Dealing with the CARB EVR Deadline**

A guidance letter was released in October for UST facilities storing gasoline relating to CARB's EVR April 1<sup>st</sup>, 2009 deadline. Facilities who do not upgrade by the April deadline may be issued Notices of Violation by the Local Air Districts or tagged out-of-order. To stay compliant with the State Water Board's laws and requirements, these facilities must either be properly temporarily closed or must ensure that the UST continues to comply with all applicable requirements (i.e., permits, inspections, monitoring, and testing) that were in place before the dispensing of gasoline ceased.

**UST Program Contact:** Ms. Donielle Jackson ([djackson@waterboards.ca.gov](mailto:djackson@waterboards.ca.gov); 916-341-5863).

### **Update to Matrix of Pipe Monitoring Applications**

On September 8, 2008, the State Water Board updated the *Matrix of Pipe Monitoring Applications (nonmetallic and Metallic) for Gravity Flow, Vacuum, Pressure, and Interstitial Liquid Level Monitoring*. The update to the matrix reflects the insertion of Footnote 6 which is based on documentation from UL (Storage Tank and Pipe FAQ Dated November 15, 2007) that clarifies the Concentrated (CT) Fuels rating covers E85. Therefore, only pipe marked with CT may be used for storage of E85.

UST Program Contact: Ms. Laura Fisher-Chaddock ([lchaddock@waterboards.ca.gov](mailto:lchaddock@waterboards.ca.gov); 916-341-5870).

### **Report 6 and Red Tag Reporting**

Beginning with the September 1, 2008 submittal, CUPAs will be reporting Report 6 and Red Tag data on a semi-annual basis using revised forms contained in the Title 27 regulations, effective January 18, 2008. The revised forms and instructions are attached for your information. As in the past, each CUPA will receive a Report 6 form pre-populated with data from the previous reporting period. We will send out the pre-populated forms in early July. They are due back with January-June 2008 data by September 1, so that we can report back to USEPA by October 2008.

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UST Program Contact: Mr. Terry Snyder ([tsnyder@waterboards.ca.gov](mailto:tsnyder@waterboards.ca.gov); 916-341-5385).

### **Governor's Office of Emergency Services**

#### **Fact Sheets**

OES developed mixture facts sheets to determine threshold quantities for both the Business Plan and CalARP program. The fact sheets are located on OES' website at: <http://www.oes.ca.gov/WebPage/oeswebsite.nsf/Content/4B7E6B288B99911B8825742F005ACC24?OpenDocument>

### **Office of the State Fire Marshal**

None

