



Rural Counties
Environmental Services
Joint Powers Authority

ESJPA

Board of Directors Meeting

Thursday
August 15, 2024
9:00 A.M.

1215 K St., Suite 1650
Sacramento, CA 95814
916-447-4806



**Rural Counties
Environmental Services
Joint Powers Authority**

ESJPA

CHAIR — MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR — LORI PARLIN, EL DORADO COUNTY
EXECUTIVE DIRECTOR — PATRICK BLACKLOCK

TECHNICAL ADVISORY GROUP (TAG)

TAG CHAIR — TEDD WARD, DEL NORTE COUNTY
TAG VICE CHAIR — NARCISA UNTAL, SOLANO COUNTY
DEPUTY EXECUTIVE DIRECTOR — STACI HEATON

Rural Counties Environmental Services Joint Powers Authority Board of Directors & Technical Advisory Group Meeting

**1215 K St., Suite 1650
Sacramento, CA 95814**

Thursday, August 15, 2024 9:00 a.m. – 3 p.m.

**Additional Teleconference Locations are Listed on the
Last Page of this Agenda**

(All Teleconference Locations are Accessible to the Public)

This meeting will also be livestreamed for public access. Members of the public can watch or listen to the meeting using one of the following methods:

1. Join the Zoom meeting application on your computer, tablet or smartphone:

Go to: <https://rcrcnet.zoom.us/j/87948505044>

Enter Password: 095514

2. Call-in and listen to the meeting:

Dial (877) 853-5247

Enter meeting ID: 879 4850 5044

Passcode: 095514

PUBLIC COMMENT USING ZOOM: Members of the public who join the Zoom meeting, either through the Zoom app or by calling in, will be able to provide live public comment at specific points throughout the meeting.

EMAIL PUBLIC COMMENT: One may also email public comment to jlunn@rcrcnet.org before or during the meeting. All emailed public comments will be forwarded to all ESJPA Board of Directors members.

Only those items that indicate a specific time will be heard at the assigned time. All other items may be taken out of sequence to accommodate the Board, the staff, and the general public. Indicated time allocations are for planning purposes only and actual times will vary from those indicated.

I. Call to Order, Self-Introductions, and Determination of Quorum

- A. Overview of Meeting Procedures – Staci Heaton, ESJPA Deputy Executive Director.

II. Business Matters

Discussion and possible action related to the following:

- A. Approval of Minutes from the Meeting of June 20, 2024 **(ACTION)** – Supervisor Michael Kobseff, ESJPA Chair *(pgs. 2-7; 5 minutes)*
- B. Approval of ESJPA Resolution #2024-01: Resolution to Accept the Withdrawal of San Luis Obispo County From the Rural Counties' Environmental Services Joint Powers Authority **(ACTION)** – Staci Heaton *(pgs. 8-21; 5 minutes)*

III. Public Comment

Any person may address the Board on any matter relevant to the Authority's business, but not otherwise on the agenda.

IV. Presentations

- A. Senate Bill 54 Implementation Update – Shane Buckingham, Chris van Rossem, Francis Veilleux, Amy Gurm, Circular Action Alliance *(20 minutes)*
- B. Solano County's SB 1383 Edible Food Recovery Program – Narcisa Untal, Principal Planner, Elizabeth Whitford, Registered Environmental Health Specialist, Erik Hagstrom, CivicSpark Fellow *(20 minutes)*
- C. Report from CalRecycle – Jill Larner, Local Assistance and Market Development Branch *(15 minutes)*

V. Legislative Update

(Supplemental Packet, 20 minutes)

(This item may be heard at any time during the meeting depending upon the availability of staff) Discussion of Legislation – John Kennedy, RCRC Senior Policy Advocate

Legislation discussed will include but will not be limited to:

- Assembly Bill 2902 (Wood) – RCRC Sponsor
- Assembly Bill 2346 (Lee)
- Senate Bill 707 (Newman)
- Senate Bill 1175 (Ochoa Bogh)
- Senate Bill 1143 (Allen)

VI. Member County Concerns/Comments

VII. Solid Waste/Regulatory Update

Discussion and possible action related to the following:

- A. CalRecycle *(35 minutes)*
 - a. SB 54 Implementation – Tedd Ward, Del Norte County, John Kennedy, and Larry Sweetser
 - b. SB 1383 Implementation – Larry Sweetser, Sweetser and Associates, and Staci Heaton
 - c. SB 1013 Dealer Co-Op Regulations – John Kennedy
 - d. CRV Program Updates – Larry Sweetser and John Kennedy
 - e. Illegal Dumping – Larry Sweetser *(pgs. 23-35)*
 - f. Electronic Annual Reporting – Larry Sweetser
 - g. Covered Electronic Waste – Larry Sweetser
- B. State Water Resources Control Board
 - a. Water Quality Fees – Larry Sweetser *(pgs. 36-40; 5 minutes)*
- C. Department of Toxics Substances Control *(15 minutes)*
 - a. Program Updates – Larry Sweetser
 - b. eVQ Questionnaire – Larry Sweetser *(pg. 41)*
 - c. Generator Improvement Rule – Larry Sweetser *(pgs. 42-121)*
- D. Hard-to-Recycle Materials—Emerging Opportunities (Feedback Requested) – John Kennedy *(5 minutes)*
- E. CalOSHA
 - a. Heat Illness Prevention in Indoor Places of Employment – Larry Sweetser *(pgs. 123-128; 5 minutes)*
- F. Extended Producer Responsibility *(30 minutes)*
 - Carpet America Recovery Effort Update – Lisa Mekis, California Senior Associate, CARE
 - California Product Stewardship Council Update – Joanne Brasch, Director of Advocacy and Outreach, CPSC
 - National Stewardship Action Council Update – Heidi Sanborn, Founding Executive Director, National Stewardship Action Council
 - Mattress Recycling Council Update – Christine Messer, Northern California Program Coordinator
 - PaintCare Update – Eric Humphreys, California Regional Program Coordinator, PaintCare
- G. Grant Program Update *(5 minutes)*
 - a. ESJPA Ongoing and Potential Grants – Larry Sweetser and Eric Will, Policy and Local Assistance Manager
 - b. SB 1383 Local Assistance Grants – Larry Sweetser
 - c. CalRecycle Rural Zero Waste Plan RFP – Larry Sweetser and Eric Will

- H. Highlights of July 2024 CalRecycle Monthly Meeting – Larry Sweetser *(pgs. 129-148; 5 minutes)*
- I. Other Regulatory Announcements/Issues of Interest
 - Cal EPA CUPA Newsletters *(pgs. 149-158)*
- J. Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday, October 17, 2024

VIII. Articles of Interest

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IX. Adjournment

Lunch Break

Technical Advisory Group Breakout Session 1 p.m.

SB 1383 Check-In

Meeting facilities are accessible to persons with disabilities. By request, alternative agenda document formats are available to persons with disabilities. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, please call (916) 447-4806 at least 48 hours before the meeting.

Agenda items will be taken as close as possible to the schedule indicated. Any member of the general public may comment on agenda items during the public comment period. To facilitate public comment, please let staff know if you would like to speak on an agenda item. The agenda for this meeting of the Board of Directors of Rural Counties Environmental Services Joint Powers Authority was duly posted at its offices, 1215 K Street, Suite 1650, Sacramento, California, at least 72 hours prior to the meeting.

Any written materials related to an open session item on this agenda that are submitted less than 24 hours prior to the meeting, and that are not exempt from disclosure under the Public Records Act, will promptly be made available for public inspection at ESJPA's principal office, 1215 K Street, Suite 1650, Sacramento, CA 95814, (916) 447-4806, during normal business hours, and on the ESJPA website, <https://www.esjpa.org>.

Additional Teleconference Location(s)

Del Norte Solid Waste Management Authority Conference Room 1700 State Street Crescent City, CA 95531	Imperial County Department of Public Works 155 S. 11th Street El Centro, CA 92243
Mono County Civic Center Convict Lake Room 1290 Tavern Road Mammoth Lakes, CA 93546	Siskiyou County Board of Supervisors Chambers 311 Fourth Street Yreka, CA 96097

Agenda Item II

BUSINESS MATTERS



**Rural Counties
Environmental Services
Joint Powers Authority**

ESJPA

CHAIR — MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR — LORI PARLIN, EL DORADO COUNTY
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**Rural Counties Environmental Services Joint Powers Authority
Board of Directors & Technical Advisory Meeting Minutes**

**1215 K St., Suite 1650
Sacramento, CA 95814**

Thursday, June 20, 2024

VOTING MEMBERS PRESENT

Jeff Gardner
Craig Cissell
Michael Azevedo
Tedd Ward
Supervisor Lori Parlin
Jared Carter
Sam Cerveney
Supervisor Rhonda Duggan
David Garcia
Sean Graham
Supervisor Michael Kobseff
Narcisa Untal
Rachel Ross-Donaldson
Deborah Reagan

Amador County
Butte County
Colusa County
Del Norte County
El Dorado County
Madera County
Mariposa County
Mono County
Nevada County
Plumas County
Siskiyou County
Solano County
Tehama County
Tuolumne County

STAFF IN ATTENDANCE

Staci Heaton, Deputy Executive Director
Larry Sweetser, ESJPA Consultant
John Kennedy, Senior Policy Advocate
Eric Will, Policy and Local Assistance Manager
Brian Briggs, Deputy General Counsel
Julie Lunn, Office Coordinator

Rural Counties ESJPA
Sweetser and Associates, Inc.
RCRC Governmental Affairs
RCRC
RCRC
RCRC

GUEST SPEAKERS

Zoe Heller, CalRecycle
Marshall Graham, CalRecycle
Jill Larner, CalRecycle
Nate Pelczar, California Product Stewardship Council
Christine Messer, Mattress Recycling Council
Jordan Wells, National Stewardship Action Council

I. Call to Order, Self-Introductions, and Determination of Quorum

Supervisor Michael Kobseff, ESJPA Chair, called the meeting to order at 9:04 a.m. A quorum was determined at that time, and Staci Heaton, ESJPA Deputy Executive Director, gave an overview of meeting procedures in accordance with the Brown Act.

II. Business Matters

A. Approval of Minutes from the Meeting of March 14, 2024 (ACTION)

The Board considered minutes from the March 14, 2024 meeting for approval. Motion/Second to approve the minutes by El Dorado County/Amador County. Motion approved unanimously.

B. Approval of Minutes from the Meeting of April 3, 2024 (ACTION)

The Board considered minutes from the April 3, 2024 special meeting for approval. Motion/Second to approve the minutes by El Dorado County/Amador County. Motion approved unanimously.

C. ESJPA Supporting the Confirmation of Zoe Heller, Director, California Department of Resources Recycling and Recovery (CalRecycle) (ACTION)

Ms. Heaton noted the recent appointment of Zoe Heller as Director of CalRecycle and the recommendation to the Board to formally support her confirmation before the Senate, noting that RCRC had already approved a similar position.

Motion/Second to approve the support position by Del Norte County/Solano County. Motion approved unanimously.

D. Proposed ESJPA Participating Entity Membership Program (ACTION)

Ms. Heaton explained the recommendations from the working group formed to develop a participating entity membership program for non-RCRC members as part of the ongoing implementation of the 2023-25 ESJPA Business Plan.

Motion/Second to approve the recommendations from the working group by Del Norte County/El Dorado County. Motion approved unanimously.

E. Approval of the ESJPA 2023 Audited Financial Statements (ACTION)

Milena De Melo, RCRC Controller, presented the ESJPA Audited Financial Statements to the Board for approval.

Motion/Second to approve the Audited Financial Statements by Del Norte County/El Dorado County. Motion approved unanimously.

III. Public Comment

None noted.

IV. Presentations

A. Electronic Annual Reporting: A Rural-Specific Example – Marshallle Graham, Local Assistance and Market Development Branch, CalRecycle

Ms. Graham presented a step by step, rural-specific example of how to use the EAR system for reporting, then took questions from the Board.

B. Property Insurance: The Outlook for California's Market

Ms. Heaton presented a brief history of how California's property insurance market reached its current crisis situation and discussed what the state, including the California Insurance Commissioner and the Legislature, is doing to try to provide consumers with affordable and sustainable property insurance options.

Larry Sweetser, Sweetser and Associates, gave a presentation on vape pens and how jurisdictions can deal with their collection and disposal.

C. Special Guest: Zoe Heller

ESJPA welcomed recently-appointed CalRecycle Director, Zoe Heller to discuss her overall goals and vision for the Department. Ms. Heller also fielded numerous questions from the Board regarding various CalRecycle programs.

D. Report from CalRecycle

Jill Lerner, CalRecycle, issued a number of updates from the Department, including SB 1383 compliance and enforcement, SB 1383 tools and guidance, reminders on reports due to CalRecycle, the status of the SB 343 Material Characterization Study, and updates on the SB 1013 Dealer Co-Op program.

V. Legislative Update

John Kennedy, RCRC Senior Policy Advocate, gave updates on the status of a number of state legislative measures, including:

- Assembly Bill 2902 (Wood) – RCRC Sponsor
- Senate Bill 1232 (Grove)
- Senate Bill 1175 (Ochoa Bogh)
- Assembly Bill 2346 (Lee)

- Senate Bill 1143 (Allen)

VI. Member County Concerns/Comments

Issues raised included:

Tuolumne County—Inability to utilize woody biomass for SB 1383. Also noted that they are getting HHW facility leveraged to expand mattress program.

Tehama County—Concerns about the Dixie Fire scar in Greenville and who enforces when cleanup contractors leave waste behind.

Del Norte—Concerns about power outages that last longer than 3 days and the ensuing waste stream every time there's a fire. People always want to know what to do with their spoiled food.

VII. Solid Waste/Regulatory Update

The Board received brief updates on the progress of the following:

A. CalRecycle

- SB 54 Implementation

Tedd Ward, Del Norte County, Mr. Kennedy and Ms. Heaton gave an update on the status of implementing regulations under development at CalRecycle. Mr. Kennedy noted that RCRC filed comments on the initial draft.

- SB 1383 Implementation

Members noted frustration with edible food organizations in some areas, as well as restrictions on woody materials being used to meet procurement requirements.

- Illegal Dumping

Mr. Sweetser discussed the Advisory Committee's recent meeting.

- CRV Program Updates

Mr. Sweetser gave updates on the state's CRV program and how they would impact member jurisdictions.

- Electronic Annual Reporting

Mr. Sweetser expanded on the earlier presentation by CalRecycle.

- Covered Electronic Waste

Mr. Sweetser discussed some updates pertaining to covered electronic waste.

B. State Water Resources Control Board

Mr. Sweetser discussed the Water Board's recently released MS4 Cost Reporting Policy.

C. Department of Toxic Substances Control

Mr. Sweetser gave brief updates on a variety of DTSC programs.

D. US EPA Battery Collection Best Practices and Labeling Guidelines

Mr. Sweetser discussed efforts at the U.S. EPA to develop best practices and labeling guidelines for battery collection programs.

E. Extended Producer Responsibility

The Board received updates on the activities and policies impacting the following:

- California Product Stewardship Council Update – Nate Pelczar

Mr. Pelczar gave updates on a number of bills sponsored by CPSC, including follow-ups on the legislative update given by Mr. Kennedy earlier in the meeting.

- National Stewardship Action Council Update – Jordan Wells

Ms. Wells gave updates on bills being pursued by NSAC as well as NSAC's SB 54 working group.

- Mattress Recycling Council Update – Christine Messer

Ms. Messer gave updates on the status of several MRC programs as well as the status of MRC's annual report.

- PaintCare Update – Monica Choi

Ms. Choi gave several updates on the status of PaintCare programs in ESJPA jurisdictions and noted new region shifts while introducing Eric Humphreys as the new California Regional Program Coordinator.

F. Grant Program Update – Larry Sweetser and Eric Will

Mr. Sweetser and Mr. Will gave updates on ESJPA ongoing grant programs as well as upcoming external grant opportunities.

G. Highlights of March-June 2024 CalRecycle Meetings

Mr. Sweetser gave an update on the happenings at the recent CalRecycle business meetings.

VIII. Agenda Suggestions, Presentation Requests/Ideas, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday, August 15, 2024

Solano County volunteered to present at the August meeting, and Del Norte County mentioned they might also have a presentation.

IX. Adjournment

The meeting was adjourned at 1:10 p.m.



Rural Counties
Environmental Services
Joint Powers Authority
ESJPA

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DEPUTY EXECUTIVE DIRECTOR — STACI HEATON

MEMORANDUM

To: ESJPA Board of Directors

From: Staci Heaton, Deputy Executive Director

Date: August 12, 2024

RE: Approval of ESJPA Resolution #2024-01: Resolution to Accept the Withdrawal of San Luis Obispo County From the Rural Counties' Environmental Services Joint Powers Authority (ACTION)

The San Luis Obispo County Board of Supervisors approved Resolution 2024-165 (attached) on July 9, 2024 that formalized their withdrawal of membership from ESJPA. In accordance with Section 19 of the ESJPA Joint Exercise of Powers Agreement, the withdrawal became effective thirty (30) days after receipt by ESJPA.

While no formal action by the ESJPA Board of Directors is required by the ESJPA Joint Exercise of Powers Agreement, it is recommended that the Board of Directors approve Resolution #2024-01 to accept the withdrawal and to amend the Joint Exercise of Powers Agreement accordingly.

Staff Recommendation

Consistent with Section 19 of the Joint Exercise of Powers Agreement, it is recommended that the ESJPA Board adopt Resolution #2024-01 to reflect the withdrawal of San Luis Obispo County from the ESJPA membership.

Attachments

- ESJPA Resolution #24-01 to Amend the Joint Exercise of Powers Agreement to Reflect the Addition of Kings County Membership
- San Luis Obispo County Board of Supervisors Resolution 2024-165
- Amended ESJPA Joint Exercise of Powers Agreement DRAFT

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, July 9, 2024

PRESENT: Supervisors John Peschong, Bruce S. Gibson, Dawn Ortiz-Legg, Jimmy Paulding and Chairperson Debbie Arnold

ABSENT: None

RESOLUTION NO. 2024-165

RESOLUTION DECLARING THE INTENT OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN LUIS OBISPO TO WITHDRAW FROM THE RURAL COUNTY REPRESENTATIVES OF CALIFORNIA ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY

The following Resolution is hereby offered and read:

WHEREAS, on February 15, 2022, the Board of Supervisors of the County of San Luis Obispo ("County") adopted Resolution 2022-035 authorizing the County to become a member of the Rural County Representatives Of California Environmental Services Joint Powers Authority, hereinafter referred to as the "ESJPA"; and

WHEREAS, the ESJPA is a local government entity established and operated in accordance with the ESJPA Joint Exercise of Powers Agreement (as revised December 4, 2004), hereinafter referred to as the "Agreement"; and

WHEREAS, the ESJPA provides program support and advocacy services, as described in the Agreement, on behalf of its member counties for environmental and regulatory issues related to the planning, management, and operation of solid waste programs; and

WHEREAS, on February 1, 2024, the County rejoined the San Luis Obispo County Integrated Waste Management Authority ("IWMA") to support the County's compliance with State solid waste mandates; and

WHEREAS, the County Board no longer wishes to participate in the ESJPA and desires to exercise its withdrawal option pursuant to the terms of the Agreement.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of San Luis Obispo, State of California, finds, declares, and determines as follows:

1. The County Board elects to withdraw from the ESJPA and terminate its participation in the Agreement.
2. The County Board hereby authorizes and directs the County Administrative Officer, or designee, to provide, as soon as practicable, written notice to the ESJPA of said election and a copy

of this resolution, thereby satisfying the notification requirement set forth in Section 19 of the Agreement, and to perform all acts necessary to carry out the purposes of this Resolution.

Upon motion of Supervisor Gibson, seconded by Supervisor Ortiz-Legg, and on the following roll call vote, to wit:

AYES: Supervisors Gibson, Ortiz-Legg, Peschong, Paulding and Chairperson Arnold

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted on the 9th day of July, 2024.

Debbie Arnold

Chairperson of the Board of Supervisors

ATTEST:

MATT PONTES

Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL

County Counsel

By: /s/ Daniel Solish
Deputy County Counsel

Dated: June 19, 2024

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **MATTHEW P. PONTES**, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on July 16, 2024.

MATTHEW P. PONTES

County Administrative Office and
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin
Deputy Clerk



ESJPA Resolution #2024-01

RESOLUTION TO AMEND THE JOINT EXERCISE OF POWERS AGREEMENT TO REFLECT THE WITHDRAWAL OF SAN LUIS OBISPO COUNTY FROM THE RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY

WHEREAS, the Board of Supervisors of San Luis Obispo County adopted Resolution No. 2024-165 (dated July 9, 2024) authorizing withdrawal of membership from the Rural Counties' Environmental Services Joint Powers Authority; and,

WHEREAS, the Board of Directors of the Rural Counties' Environmental Services Joint Powers Authority acknowledges receipt of the subject notice on July 15, 2024 and has accepted San Luis Obispo County's withdrawal;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Rural Counties' Environmental Services Joint Powers Authority that the Joint Exercise of Powers Agreement is hereby amended as of August 15, 2024 to reflect the withdrawal of Solano County from the membership in accordance with Section 19 of the Agreement.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Rural Counties Environmental Services Joint Powers Authority, the 15th day of August 2024.

I certify that the foregoing resolution is a true and accurate copy of Resolution #2024-01, approved by the Board of Directors of the Rural Counties Environmental Services Joint Powers Authority on August 15, 2024 in Sacramento, California.

Date: _____

Deputy Executive Director

**RURAL COUNTIES' ENVIROMENTAL SERVICES
JOINT POWERS AUTHORITY
JOINT EXERCISE OF POWERS AGREEMENT**

March 11, 2004

(Attachment 1 last amended: August 15, 2024)

THIS JOINT EXERCISE OF POWERS AGREEMENT ("Agreement"), is entered into by and among the counties listed on Attachment 1 hereof and incorporated herein by reference. All such counties are referred to herein as "Members" with the respective powers, privileges and restrictions provided herein.

A. WHEREAS, the Joint Exercise of Powers Act (commencing with Article 1 of Chapter 5 of Division 7 of Title I of the Government Code of the State of California, hereinafter, the "Act") authorizes two or more public agencies, by agreement, to form a joint powers agency to exercise jointly any powers common to any or all of the contracting public agencies; and

B. WHEREAS, the Members are each responsible under California law for planning for the disposal of solid waste generated within their respective boundaries and for complying with other related environmental requirements; and

C. WHEREAS, the Members have determined that a joint exercise of powers authority should be formed to exercise their respective powers for the purpose of providing environmental services for their respective jurisdictions; and

D. WHEREAS, by this Agreement the Members desire to create and establish the Rural Counties' Environmental Services Joint Powers Authority ("Authority") for the purposes set forth herein and to exercise the powers described herein and as provided by law,

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Members individually and collectively agree as follows:

1. Definitions

Unless the context otherwise requires, the following terms shall for purposes of this Agreement have the meanings specified below:

"Act" means the Joint Exercise of Powers Act, commencing with Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California.

"Agreement" means this Joint Exercise of Powers Agreement as now exists or as it may from time to time be amended as provided herein.

"Associate Member" means a county, city or other public agency which is not a voting member of the Rural County Representatives of California, a California nonprofit corporation ("RCRC"), with legal power and authority similar to that of the Members, admitted pursuant to paragraph 4.d. below to associate membership herein by vote of the Board.

"Authority" means the Rural Counties' Environmental Services Joint Powers Authority created hereby.

"Board" means the governing board of the Authority.

"Delegate" means the supervisor designated by the governing board of each Member to serve on the Board of the Authority.

"Member" means any county which is a member of RCRC, has executed this Agreement and has become a member of the Authority.

"Obligations" means bonds, notes, warrants, leases, certificates of participation, installment purchase agreements, loan agreements and other securities or obligations issued by the Authority, or financing agreements entered into by the Authority pursuant to the Act and any other financial or legal obligation of the Authority under the Act.

"Program" or "Project" means any work, program, project or service provided by the Authority.

"Rural County Representatives of California" ("RCRC") means the nonprofit entity incorporated under that name in the State of California.

2. Purpose

The purpose of the Authority is to provide Programs for planning, management and operation of solid waste programs, and for other environmental services including, but not necessarily limited to, legislative and regulatory advocacy, solicitation of grant funding, and implementation of grant-funded projects. In pursuit of this purpose, this Agreement provides for the joint exercise of powers common to any of its Members and Associate Members as provided herein, including assisting in financing as authorized herein, jointly exercised in the manner set forth herein.

3. Principal Place of Business

The Authority's principal office shall be 1215 K Street, Suite 1650, Sacramento, CA 95814.

4. Creation of Authority; Addition of Members or Associate Members

a. The Rural Counties' Environmental Services Joint Powers Authority, formerly known as the Regional Council of Rural Counties Authority for Environmental Services, is hereby created pursuant to the Act. As provided in the Act, the Authority shall be a public entity separate and distinct from the Members or Associate Members.

b. The Authority will cause a notice of this Agreement or any amendment hereto to be prepared and filed with the office of the Secretary of State of California in a timely fashion in the manner set forth in Section 6503.3 of the Act.

c. A county that is a member of RCRC may petition to become a member of the Authority by submitting to the Board a resolution adopted by its governing body adopting this Agreement. The Board shall review the petition for membership and shall vote to approve or disapprove the petition. If the petition is approved by a majority of the Board, such county shall immediately become a Member of the Authority.

d. Associate Members may be added to the Authority upon the affirmative approval of their respective governing board and pursuant to action by the Board upon such terms and conditions, and with such rights, privileges and responsibilities, as may be established from time to time by the Board. Such terms and conditions, and rights, privileges and responsibilities may vary among the Associate Members. Associate Members shall be entitled to participate in one or more Programs of the Authority as determined by the Board, but shall not be voting members of the Board. The Executive Director of the Authority shall enforce the terms and conditions for prospective Associate Members to the Authority as provided by resolution of the Board and as amended from time to time by the Board. Changes in the terms and conditions for Associate Membership by the Board will not constitute an amendment of this Agreement.

5. Term and Termination of Powers

This Agreement shall become effective from the date hereof until the earlier of withdrawal of all Members or termination by the then remaining Members. The Authority shall continue to exercise the powers herein conferred upon it until termination of this Agreement, except that if any Obligations are outstanding, in no event

shall the exercise of the powers herein granted be terminated until all outstanding Obligations and any interest thereon shall have been paid or provision for such payment shall have been made.

6. Powers; Restriction upon Exercise

a. To effectuate its purpose, the Authority shall have the power to exercise any and all powers of the Members under the Act and other applicable provisions of law, subject, however, to the conditions and restrictions herein contained. Each Member or Associate Member may also separately exercise any and all such powers. The powers of the Authority are limited to those of a general law county.

b. The Authority may adopt, from time to time, such resolutions, guidelines, rules and regulations for the conduct of its meetings and the activities of the Authority as it deems necessary or desirable to accomplish its purpose, including the payment of fees and/or dues.

c. The Authority shall have the power to develop Programs for and with any or all of its Members or Associate Members upon such terms and conditions, including the payment of fees, early withdrawal from or late entry into a Program, as the Board may prescribe for such Program. Each Member or Associate Member shall appoint an employee of such Member or Associate Member as technical liaison between such Member or Associate Member and the Authority for Program purposes.

d. The Authority is hereby authorized to do all acts necessary for the exercise of its powers, including, but not limited to:

- (1) executing contracts,
- (2) employing agents, consultants and employees,
- (3) acquiring, constructing or providing for maintenance and operation of any building, work or improvement,
- (4) acquiring, holding or disposing of real or personal property wherever located, including property subject to mortgage,
- (5) incurring debts, liabilities or obligations,
- (6) receiving gifts, contributions and donations of property, funds, services and any other forms of assistance from persons, firms, corporations or governmental entities,
- (7) suing and being sued in its own name, and litigating or settling any suits or claims, and
- (8) doing any and all things necessary or convenient to the exercise of its specific powers and to accomplishing its purpose.

e. Subject to the applicable provisions of any indenture or resolution providing for the investment of monies held thereunder or the terms of any grant, the Authority shall have the power to invest any of its funds as the Board deems advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code of the State of California.

f. All property, equipment, supplies, funds and records of the Authority shall be owned by the Authority, except as may be provided otherwise herein or by resolution of the Board.

g. Pursuant to the provisions of Section 6508.1 of the Act and Public Resources Code Section 40970, Obligations of the Authority shall not be debts, liabilities and obligations of the Members. The Obligations, together with any interest and premium thereon, shall not constitute debts, liabilities or obligations of any Member. The Members hereby agree that any such Obligations shall not constitute general obligations of the Authority but shall be payable solely from the moneys pledged to the repayment of principal or interest on such Obligations under the terms of the resolution, indenture, trust, agreement or other instrument applicable to such Obligations. Neither the Members nor the Authority shall be obligated to pay the principal of or premium, if any, or interest on the Obligations, or other costs incidental thereto, except from the revenues and funds pledged therefore, and neither the faith and credit nor the taxing power of the Members or the Authority shall be pledged

to the payment of the principal of or premium, if any, or interest on the Obligations, nor shall the Members of the Authority be obligated in any manner to make any appropriation for such payment. No covenant or agreement contained in any Obligation shall be deemed to be a covenant or agreement of any Member, Delegate, or any officer, agent or employee of the Authority in an individual capacity, and neither the Board nor any officer thereof executing the Obligations or any document related thereto shall be liable personally on any Obligation or be subject to any personal liability or accountability by reason of the issuance of any Obligations.

7. Governing Board

- a. The Board shall consist of the number of Delegates equal to one representative from each Member.
- b. The governing body of each Member shall appoint one of its supervisors to serve as a Board Delegate. A Member's designation of its Delegate shall be delivered in writing to the Secretary and shall be effective until he or she is replaced by such governing body or is no longer a supervisor; any vacancy shall be filled by the governing body of the Member in the same manner provided above.
- c. The governing body of each Member of the Board shall designate one or more alternates to act on its behalf in the absence of the Delegate; an alternate need not be a supervisor and may exercise all the rights and privileges of the Delegate, including the right to be counted in constituting a quorum, to participate in the proceedings of the Board, and to vote upon any and all matters. In the absence of the Delegate, only one alternate may vote at any meeting of the Board. Any Member's designation of an alternate shall be delivered in writing to the Secretary and shall be effective until such alternate is replaced by his or her governing body, unless otherwise specified in such writing; any vacancy shall be filled by the governing body of the Member in the same manner provided above.
- d. Any person who is not a Delegate or a properly designated alternate and who attends a meeting on behalf of such Member may not vote or be counted toward a quorum but may, at the discretion of the Chair, participate in open meetings he or she attends.
- e. Each Associate Member may designate a non-voting representative to the Board who may not be counted toward a quorum but who may attend open meetings, propose agenda items and otherwise participate in Board Meetings.
- f. Delegates shall not receive compensation for serving as Delegates, but may claim and receive reimbursement for expenses actually incurred in connection with such service pursuant to rules approved by the Board and subject to the availability of funds.
- g. The Board shall have the power, by resolution, to the extent permitted by the Act or any other applicable law, to exercise any powers of the Authority and to delegate any of its functions to one or more Delegates, officers or agents of the Authority, and to cause any authorized Delegate, officer or agent to take any actions and execute any documents for and in the name and on behalf of the Board or the Authority.
- h. The Board may establish such committees as it deems necessary for any lawful purpose; such committees are advisory only and may not act or purport to act on behalf of the Board or the Authority.
- i. The Board shall develop, or cause to be developed, and review, modify as necessary, and adopt each Program.

8. Meetings of the Board

- a. The Board shall meet at least once annually, but may meet more frequently upon call of any officer or as provided by resolution of the Board.

b. Meetings of the Board shall be called, noticed, held and conducted pursuant to the provisions of the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part I of Division 2 of Title 5 of the Government Code of the State of California.

c. The Secretary of the Authority shall cause minutes of all meetings of the Board to be taken and distributed to each Member as soon as possible after each meeting.

d. The lesser of ten (10) Delegates or a majority of the number of current Delegates shall constitute a quorum for transacting business at any meeting of the Board, except that less than a quorum may act to adjourn a meeting. Each Delegate shall have one vote.

e. Meetings may be held at any location designated in notice properly given for a meeting and may be conducted by telephonic or similar means in any manner otherwise allowed by law.

9. Officers; Duties; Official Bonds

a. The Board shall elect a chair and vice chair from among its properly designated Delegates at the Board's annual meeting who shall serve a term of one (1) year or until their respective successor is elected. The chair shall conduct the meetings of the Board and perform such other duties as may be specified by resolution of the Board. The vice chair shall perform such duties in the absence or in the event of the unavailability of the chair.

b. The Board shall contract annually with RCRC for administration of the Authority, and the President and Chief Executive Officer of RCRC shall serve ex officio as Executive Director, Secretary, Treasurer, and Auditor of the Authority. As chief executive of the Authority, the Executive Director is authorized to execute contracts and other obligations of the Authority, unless prior Board approval is required by a third party, by law or by Board specification, and to perform other duties specified by the Board. The Executive Director may appoint such other officers as may be required for the orderly conduct of the Authority's business and affairs who shall serve at the pleasure of the Executive Director. Subject to the applicable provisions of any indenture or resolution providing for a trustee or other fiscal agent, the Executive Director, as Treasurer, is designated as the custodian of the Authority's funds, from whatever source, and, as such, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act. The Executive Director, as Auditor, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act.

c. The Legislative Advocate for the Authority shall be the Rural County Representatives of California.

d. The Treasurer and Auditor are public officers who have charge of, handle, or have access to all property of the Authority, and a bond for such officer in the amount of one hundred thousand dollars (\$100,000.00) shall be obtained at the expense of the Authority and filed with the Secretary or Assistant Secretary. Such bond may secure the faithful performance of such officer's duties with respect to another public office if such bond in at least the same amount specifically mentions the office of the Authority as required herein. The Treasurer and Auditor shall cause periodic independent audits to be made of the Authority's books by a certified public accountant, or public accountant, in compliance with Section 6505 of the Act.

e. The business of the Authority shall be conducted under the supervision of the Executive Director by the personnel of the Rural County Representatives of California.

10. Disposition of Assets

Upon termination of this Agreement, all remaining assets and liabilities of the Authority shall be distributed to the respective Members and Associate Members in such manner as shall be determined by the Board and in accordance with law.

11. Agreement Not Exclusive; Operation in Jurisdiction of Member

This Agreement shall not be exclusive, and each Member or Associate Member expressly reserves its rights to carry out other Projects or Programs provided for by law and to issue other obligations for those purposes. This Agreement shall not be deemed to amend or alter the terms of other agreements among the Members or Associate Members, except as expressly provided herein; provided, however, that the Authority shall not conduct a Project or Program within the jurisdiction of a Member or Associate Member financed by Obligations without the consent of that Member or Associate Member, and that the giving or withholding of that consent is in the sole and absolute discretion of the Member or Associate Member, but if given by the Member or Associate Member and then relied upon by the Authority for purposes of entering into agreements with contractors, developers, lenders, other Members or Associate Members, or others, such consent may not be revoked.

12. Conflict of Interest Code

The Authority shall by resolution adopt a Conflict of Interest Code as required by law.

13. Contributions and Advances

Contributions or advances of public funds and of personnel, equipment or property may be made to the Authority by any Member, Associate Member or any other public agency to further the purpose of this Agreement. Payment of public funds may be made to defray the cost of any contribution. Any advance may be made subject to repayment, and in that case shall be repaid in the manner agreed upon by the advancing Member, Associate Member or other public agency and the Authority at the time of making the advance.

14. Fiscal Year; Accounts; Reports; Annual Budget; Administrative Expenses

a. The fiscal year of the Authority shall be the period from January 1 of each year to and including the following December 31, except for any partial fiscal year resulting from a change in accounting based on a different fiscal year previously.

b. Prior to the beginning of each fiscal year, the Board shall adopt a budget for the succeeding fiscal year.

c. The Authority shall establish and maintain such funds and accounts as may be required by generally accepted accounting principles. The books and records of the Authority are public records and shall be open to inspection at all reasonable times by each Member and its representatives.

d. The Auditor shall either make, or contract with a certified public accountant or public accountant to make, an annual audit of the accounts and records of the Authority. The minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California, and shall conform to generally accepted auditing standards. When an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as public records with each Member (and also with the auditor of each county which is a Member) within 12 months after the end of the fiscal year.

e. In any year in which the annual budget of the Authority does not exceed five thousand dollars (\$5,000.00), the Board may, upon a unanimous approval by the Board, replace the annual audit with an ensuing one-year period, but in no event for a period longer than two fiscal years.

15. Duties of Members or Associate Members; Breach

If any Member or Associate Member shall default in performing any covenant contained herein, such default shall not excuse that Member or Associate Member from fulfilling its other obligations hereunder, and such defaulting Member or Associate Member shall remain liable for the performance of all covenants hereof. Each Member or Associate Member hereby declares that this Agreement is entered into for the benefit of the Authority created hereby, and each Member or Associate Member hereby grants to the Authority the right to enforce, by whatever lawful means the Authority deems appropriate, all of the obligations of each of the parties hereunder.

Each and all of the remedies given to the Authority hereunder or by any law now or hereafter enacted are cumulative, and the exercise of one right or remedy shall not impair the right of the Authority to any or all other remedies.

16. Indemnification

To the full extent permitted by law, the Board may authorize indemnification by the Authority of any person who is or was a Board Delegate, alternate, officer, consultant, employee or other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Delegate, alternate, officer, consultant, employee or other agent of the Authority. Such indemnification may be made against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Authority and, in the case of a criminal proceeding, had no reasonable cause to believe his or her conduct was unlawful and, in the case of an action by or in the right of the Authority, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

17. Immunities

All of the privileges and immunities from liabilities, exemptions from law, ordinances and rules, all pension, relief, disability, workers' compensation and other benefits which apply to the activity of officers, agents or employees of any of the Members or Associate Members when performing their respective functions, shall apply to them to the same degree and extent while engaged as Delegates or otherwise as an officer, agent or other representative of the Authority or while engaged in the performance of any of their functions or duties under the provisions of this Agreement.

18. Amendment

This Agreement may be amended by the adoption of the amendment by the governing bodies of a majority of the Members. The amendment shall become effective on the first day of the month following the last required member agency approval. An amendment may be initiated by the Board, upon approval by a majority of the Board. Any proposed amendment, including the text of the proposed change, shall be given by the Board to each Member's Delegate for presentation and action by each Member's board within 180 days, which time may be extended by the Board.

19. Withdrawal of Member or Associate Member

If a Member withdraws as member of RCRC, its membership in the Authority shall automatically terminate. A Member may withdraw from this Agreement upon written notice to the Board; provided, however, that no such withdrawal shall result in the dissolution of the Authority as long as any Obligations of the Authority remain outstanding. Any such withdrawal shall become effective thirty (30) days after a resolution adopted by the Member's governing body which authorizes withdrawal is received by the Secretary of the Board. Notwithstanding the foregoing, any termination of membership or withdrawal from the Authority shall not operate to relieve any terminated or withdrawing Member or Associate Member from Obligations incurred by such terminated or withdrawing Member or Associate Member prior to the time of its termination or withdrawal.

20. Miscellaneous

a. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

b. **Construction.** The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

c. **Approvals.** Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

d. **Jurisdiction; Venue.** This Agreement is made in the State of California, under the Constitution and laws of such State and is to be so construed; any action to enforce or interpret its terms shall be brought in Sacramento County, California.

e. **Integration.** This Agreement is the complete and exclusive statement of the agreement among the parties hereto, and it supersedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the parties relating to the subject matter of this Agreement.

f. **Successors; Assignment.** This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member or Associate Member may assign any right or obligation hereunder without the consent of the Board.

g. **Severability.** Should any part, term or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms or provisions hereof shall not be affected thereby.

The parties hereto have caused this Agreement to be executed and attested by their properly authorized officers.



Supervisor Bob Pickard, Chair

AS ADOPTED BY THE MEMBERS:

July 1, 1993

Amended and restated June 19, 1996

Amended and restated August 22, 2002

Amended and restated March 11, 2004

ATTACHMENT 1 MEMBERS

As of March 11, 2004

Alpine County
Amador County
Butte County
Calaveras County
Colusa County
Del Norte County
El Dorado County
Glenn County
Inyo County
Lassen County
Madera County
Mariposa County
Modoc County
Mono County
Nevada County
Plumas County
Sierra County
Siskiyou County
Tehama County
Trinity County
Tuolumne County

Added Members

Imperial County	December 16, 2004
Shasta County	October 15, 2015
Lake County	December 7, 2017
San Luis Obispo County	March 10, 2022
Solano County	June 23, 2022
Kings County	June 22, 2023

Terminated or Withdrawn Members

San Luis Obispo County	August 9, 2024
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Agenda Item VII

SOLID WASTE/ REGULATORY UPDATES

Jul 30, 2024

50,000 tires, 12,000 mattresses, and mountains of trash hauled away: Clean California marks three years of progress

What you need to know: California is commemorating a major milestone with its key initiative to beautify communities up and down the state, and creating over 18,000 jobs. The program has hauled away more than 2.6 million cubic yards of litter – enough to cover nine lanes of Interstate 5 with an inch of trash from San Diego to the Canadian border.

initiative celebrated three years of service today in statewide beautification and cleanup projects. Launched in July 2021, the sweeping \$1.2 billion initiative has – and continues to – beautify the state’s highway system and local communities by hauling away mountains of trash and investing in hundreds of transformative local projects.

For decades, trash piled up on California’s highways and in our communities without a concerted, comprehensive effort to clean it up. Three years ago, Clean California became our answer. Countless neighborhoods in every corner of our state are cleaner and healthier thanks to Clean California.

Governor Gavin Newsom

Watch on X

Thanks to Caltrans, Clean California and its partners have so far:

- Hauled away more than **2.6 million cubic yards of litter** – enough to cover nine lanes of Interstate 5 with an inch of trash from San Diego to the Canadian border
- Hosted more than 500 free dump days in communities throughout the state
- Collected 12,000-plus mattresses
- Collected 50,000 tires
- Enlisted nearly 60,000 community clean-up volunteers, and
- **Created over 18,000 jobs**, including positions for individuals who were formerly incarcerated, on probation, or experiencing housing insecurity.

In 3 years,

**CLEAN
CALIFORNIA**

INITIATIVE
created
over

18,000 JOBS



including positions for individuals who were
**formerly incarcerated, on probation, or
experiencing housing insecurity.**



The program's first three years included a surge in the number of cleanup crews collecting trash on public highway rights-of-way. But an equally important goal of Clean California has been to extend a zero-litter philosophy beyond the public highway system into every local community and instill renewed pride.





So far, 94 of 312 projects have been completed, and another 171 are expected to be finished in the next 12 months. As one example, Kern County last month celebrated the completion of a major parks project in the underserved community of Lost Hills that benefited from a \$2 million Clean California local project grant. This included five new state-of-the-art play facilities, installation of ADA-compliant sidewalks, a sports field, running track, and community centers.





At the ribbon-cutting, longtime Lost Hills resident Rosario Velasquez said, “Forty years ago, I did not have this kind of park for myself as a child to come and play. So, for me to bring my kids to this amazing structure, it’s a life-changing opportunity for my kids. I honestly never thought my community was going to grow, and it’s become something very special where I don’t want to move out of Lost Hills, nor my kids.”

Clean California has also invested in community engagement and education to extend the anti-litter revolution well into the future. This has resulted in Adopt-A-Highway participation leaping by 50% from about 3,000 to 4,500 stretches of state roads being adopted and cleaned up by the public.

For more information, visit [CleanCA.com](https://www.CleanCA.com).

Categories: [Press Releases](#), [Recent News](#), [Top Story](#)





**GOVERNOR
GAVIN NEWSOM**

FOR IMMEDIATE RELEASE

Tuesday, July 30, 2024

Governor's Press Office: (916) 445-4571

50,000 tires, 12,000 mattresses, and mountains of trash hauled away: Clean California marks three years of progress

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SACRAMENTO — Governor Gavin Newsom’s historic Clean California initiative celebrated three years of service today in statewide beautification and cleanup projects. Launched in July 2021, the sweeping \$1.2 billion initiative has – and continues to – beautify the state’s highway system and local communities by hauling away mountains of trash and investing in hundreds of transformative local projects.

“For decades, trash piled up on California’s highways and in our communities without a concerted, comprehensive effort to clean it up. Three years ago, Clean California became our answer. Countless neighborhoods in every corner of our state are cleaner and healthier thanks to Clean California.”

Governor Gavin Newsom



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For more information, visit CleanCA.com.



Water Quality Fees Stakeholder Meeting

Thursday, August 1, 2024 at 9:00 – 11:00 am

Webcast and Zoom Meeting Only

NO PHYSICAL MEETING LOCATION

Live Webcast: <https://video.calepa.ca.gov>

Fee Branch Email: FeeBranch@waterboards.ca.gov

AGENDA

1. Welcome and Introductions
2. Waste Discharge Permit Fund (WDPF) Fund Condition Statement (Attachment 1)
3. WDPF Budget Cost Drivers (Attachment 2)
 - a. Budget Change Proposals:
 - i. [Gualala River TMDL Stipulated Settlement Agreement](#)
 - ii. [Information Security and Privacy Office Staffing](#)
 - iii. [Resource Needs to Address Impacts on Project Permitting Resulting from Recent Supreme Court Decisions \(Sackett\)](#)
 - iv. [Pajaro River Flood Risk Management Project \(AB 876\)](#)
4. WDPF Program Budget Detail (Attachment 3)
5. Potential Fee Changes
 - a. Recycled Water Permits (Attachment 4)
6. Open Discussion
7. Next Steps
 - a. September 18 Board Meeting

**WDPF Fund Condition
(\$000)**

	FY 22-23	FY 23-24 (Forecast)	FY 24-25 No Fee Changes (Forecast)	FY 24-25 With Fee Changes (Forecast)
FEE PROGRAM				
Beginning Balance	\$9,477	\$10,675	\$9,675	\$9,675
Prior Year Adjustments ¹	(\$1,539)	\$0	\$0	\$0
Adjusted Beginning Balance	\$7,938	\$10,675	\$9,675	\$9,675
Revenue				
Regulatory Fees	\$177,454	\$188,488	\$188,488	\$201,873
Other ²	\$931	\$790	\$221	\$221
Revenue Transfer from WDPF to General Fund AB 84 per GC Section 20825.1 (c).	\$155	\$0	\$0	\$0
Total Fee Program Revenue	\$178,540	\$189,278	\$188,709	\$202,094
Expenditures				
Water Board State Operations	\$160,986	\$174,000	\$185,992	\$185,992
Local Assistance ³	\$1,800	\$1,800	\$1,800	\$1,800
Other State Operations ⁴	\$13,017	\$14,478	\$14,081	\$14,081
Total Fee Program Expenditures	\$175,803	\$190,278	\$201,873	\$201,873
GAIN/ (LOSS)	\$2,737	(\$1,000)	(\$13,164)	\$221
Fee Program Ending Balance	\$10,675	\$9,675	(\$3,490)	\$9,896
FUND RESERVE	6.1%	5.1%	-1.7%	4.9%
FINES & PENALTIES				
Fines and Penalties Revenue ⁵	\$4,604	\$5,227	\$5,104	\$5,104
Fines and Penalties Expenditures ⁵	\$277	\$1,023	\$1,022	\$1,022
Fines & Penalties Ending Balance	\$4,327	\$4,204	\$4,082	\$4,082
WDPF FUND BALANCE	\$15,002	\$13,879	\$592	\$13,978

¹Most adjustments represent unspent contract dollars that revert to the Fund.

²Other revenue includes interest from the state's pooled money investment fund and escheat from unclaimed checks.

³Local Assistance for Beach Monitoring

⁴Other state operations includes appropriations for Cal/EPA, FI\$CAL, Pro Rata, and Supplemental Pension Payments.

⁵Fines and penalties revenue and expenditures cannot be accessed by the fee programs and therefore are not included in the fee balances. The revenue balance is included in the WDPF fund balance for accounting purposes only.

WDPF Budget Cost Drivers
FY 2024-25
(\$000)

Waste Discharge Permit Fund	FY 2023-24 Fee Setting Budget	FY 2024-25 Governor's Enacted Fee Setting Budget	Net Difference	Percent Change
Budget Allocation	\$187,763	\$201,873	\$14,110	7.5%

FY 2024-25 Budget Cost Drivers	Amounts	Percent Change
State Operations ¹	\$6,986	3.7%
Pro Rata	(\$1,140)	-0.6%
24-25 Gualala River TMDL Stipulated Settlement Agreement ²	\$1,706	0.9%
24-25 Information Security and Privacy Office Staffing ²	\$215	0.1%
24-25 Resource Needs to Address Impacts on Project Permitting Resulting from Recent Supreme Court Decisions (Sackett) ³	\$6,118	3.3%
24-25 Pajaro River Flood Risk Management Project (AB 876) ³	\$225	0.1%
Totals	\$14,110	7.5%

¹Control Section Item 9800 Employee Compensation, 3.60 Retirement and Healthcare Cost.

²Allocated to all WDPF programs.

³Allocated to the Water Quality Certification (401 Cert) program.

WDPF Program Budget Detail
FY 2024-25
(\$000)

A	B	C	D	E	F
WDPF Program	FY 24-25 Fee Setting Budget ¹	FY 24-25 Revenue Forecast	Forecasted Revenue Increase / (Decrease)	FY 24-25 Total Adjusted Revenue (C+D)	Average Program Percent Change
WDR	\$48,851	\$46,398	\$2,453	\$48,851	5.3%
Land Disposal	\$15,518	\$15,170	\$348	\$15,518	2.3%
WQC (401 Cert)	\$25,849	\$18,324	\$7,524	\$25,849	41.1%
NPDES Stormwater	\$43,826	\$42,566	\$1,260	\$43,826	3.0%
NPDES Wastewater	\$46,810	\$46,133	\$676	\$46,810	1.5%
CAF	\$6,801	\$6,447	\$354	\$6,801	5.4%
Ag Lands (ILRP)	\$10,004	\$9,463	\$540	\$10,004	5.5%
Cannabis	\$4,215	\$3,986	\$229	\$4,215	5.7%
TOTAL:	\$201,873	\$188,488	\$13,385	\$201,873	

¹Includes redirected expenditures for foundational programs like Basin Planning, TMDL, monitoring, enforcement, employee compensation, retirement, healthcare costs and pro rata.

Recycled Water Permits Fee Option

Option F: Fee by Type of Recycled Water Produced and Distribution/Use

For facilities producing recycled water consistent with California Code of Regulations, Title 22, a fee would be assessed based on the type of recycled water produced. The fee would distinguish between potable and non-potable recycled water produced and would be assessed as a surcharge for National Pollutant Discharge Elimination System (NPDES) Wastewater (WW) permits and Waste Discharge Requirements (WDRs) that contain recycling requirements and as a flat fee for Water Recycling Requirements (WRRs).

For permits for the distribution or use of recycled water (exclusive of production), the fee would be a flat fee.

Recycled Water Production	Potable Fee	Non-Potable Fee
Permits issued for recycled water production	\$16,000	\$2,800

Recycled Water Distribution and/or Use	Fee
Permits issued for recycled water distribution and/or use only	\$1,500

The 2024 eVQ report cycle is open.

eVQ Training Video | [Watch](#)

eVQ User Guide | [View](#)

eVQ Webinar | [Register](#)

2024 electronic Verification Questionnaire (eVQ) Overview and Demo

Date: Wednesday, July 31, 2024

Time: 10 a.m. - 12 p.m. Pacific Daylight Time

Where: Zoom

ID Number Inactive?

To reactivate your ID number, follow the steps below.

1. Log into your eVQ account.
 - a. If you do not have an account, register for one.
2. Reactivate your ID number in Step 3 of the questionnaire.
3. Proceed with the remaining steps until the questionnaire has been completed.

Call Center Hours

Standard Telephone Business Hours

Monday to Friday: 9:00 AM to 2:00 PM Pacific Time (PT) (except [state holidays](#)).

Upcoming Special Hours and Closures

What is the purpose of the Annual ID Number Verification Questionnaire?

Anyone who generates, transports, offers for transport, treats, stores, or disposes of hazardous waste must have a hazardous waste identification (ID) number, which is used to identify the hazardous waste handler and track the hazardous waste from the point of origin to its final disposal ("cradle to grave"). The purpose of this verification is to ensure that the information on record for the EPA ID Number is correct and current.

The annual Verification Questionnaire for hazardous waste ID numbers and hazardous waste manifests is required by Health & Safety Code section 25205.16. Any generator, transporter, or facility operator who fails to provide information required by the department to verify the accuracy of hazardous waste activity data shall be subject to suspension of any and all identification numbers assigned and to any other enforcement action (Health & Safety Code section 25205.16(c)).

Popular Links

- ▶ [EPA ID Number Verification Questionnaire FAQs](#)
- ▶ [Verification Questionnaire Step by Step Guide](#)
- ▶ [Hazardous Waste ID Numbers](#)
- ▶ [Fee Summary](#)
- ▶ [California Hazardous Waste Classification \(Online Course\)](#)
- ▶ [Managing Hazardous Waste](#)
- ▶ [Hazardous Waste Manifests](#)
- ▶ [Hazardous Waste Tracking System \(HWTS\)](#)
- ▶ [Check My ID Number Status](#)

State of California

Office of Administrative Law

In re:
Department of Toxic Substances Control

Regulatory Action:

Title 22, California Code of Regulations

Adopt sections: 66262.13, 66262.15,
66262.16, 66262.17,
66262.18, 66262.250,
66262.251, 66262.252,
66262.253, 66262.254,
66262.255, 66262.256,
66262.260, 66262.261,
66262.262, 66262.263,
66262.264, 66262.265

Amend sections: 66260.10, 66260.23,
66262.10, 66262.32,
66262.35, 66262.41,
66263.43, 66263.45,
66263.46, 66264.1,
66264.71, 66264.191,
66264.192, 66264.193,
66264.1030, 66264.1050,
66265.1, 66265.71,
66265.191, 66265.192,
66265.193, 66265.1030,
66265.1050, 66268.1,
66268.7, 66268.50,
66270.60, 66273.8,
66273.9, 66273.72,
66279.10, 67426.1

Repeal sections: 66262.12, 66262.34

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

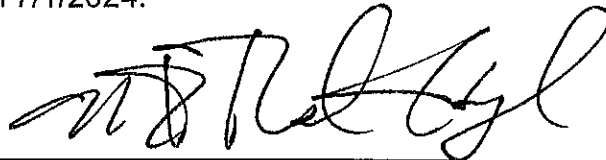
OAL Matter Number: 2024-0322-01

OAL Matter Type: Regular (S)

In this rulemaking action, the Department revises its regulations related to hazardous waste to parallel federal regulation changes stemming from the Hazardous Waste Generator Improvements Rule (GIR), which was adopted by the United States Environmental Protection Agency (U.S. EPA). The Department's revisions affect acute hazardous waste, extremely acute hazardous waste, non-acute hazardous waste, small quantity generators, very small quantity generators, and large quantity generators. The revisions further address the accumulation of hazardous waste and exceptions to permit requirements for generators who accumulate hazardous waste. Moreover, the revisions discuss biennial reports as well as preparedness, prevention, and emergency procedures.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2024.

Date: May 6, 2024

A handwritten signature in black ink, appearing to read 'Thanh Huynh', written over a horizontal line.

Thanh Huynh
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Meredith Williams, Director
Copy: Gabby Nepomuceno

NOTICE PUBLICATION/REGULATION SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2023-0314-03	REGULATORY ACTION NUMBER 2024-0322-01S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

MAY 06 2024

3-21 PM

OFFICE OF ADMIN. LAW
2024 MAR 22 PM 1:27

AGENCY WITH RULEMAKING AUTHORITY
Department of Toxic Substances Control

AGENCY FILE NUMBER (If any)
R-2023-08R

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2023, 12-2	PUBLICATION DATE 3/24/2023

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Generator Improvement Rule	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2020-0218-01N, 2022-0104-02NR
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT see attached
	AMEND see attached
TITLE(S) 22	REPEAL see attached

per agency request

5/6/2024 (TH)

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

03/24/23-05/08/23, 07/05/23-07/20/23

per agency request 5/6/2024 (TH)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

☒ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) ☐ Effective on filing with Secretary of State ☐ \$100 Changes Without Regulatory Effect ☐ Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal
☐ Other (Specify)

7. CONTACT PERSON Gabby Nepomuceno	TELEPHONE NUMBER (916) 251-8328	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) gabriella.nepomuceno@dtsc.ca
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Meredith J Williams

Digitally signed by Meredith J Williams
Date: 2024.03.22 11:35:18 -07'00'

DATE

March 22, 2023

TYPED NAME AND TITLE OF SIGNATORY

Meredith Williams, Director

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 06 2024

Office of Administrative Law

SECTIONS AFFECTED

Generator Improvements Rule

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

Office of Administrative Law Reference Number: 2023-0314-03

No.	Section	Title / Header	Action
1	66260.10	Definitions	Amend
2	66260.23	Factors for Petitions to Include Other Wastes Under Chapter 23.	Amend
3	66262.10	Applicability	Amend
4	66262.12	Identification Numbers for the Generator	Repeal
5	66262.13	Generator Category Determination	Adopt
6	66262.15	Satellite Accumulation Area Regulations for Small and Large Quantity Generators	Adopt
7	66262.16	Conditions for Exemption for A Small Quantity Generator That Accumulates Hazardous Waste	Adopt
8	66262.17	Conditions for Exemption for A Large Quantity Generator That Accumulates Hazardous Waste	Adopt
9	66262.18	Identification Numbers for the Generator	Adopt
10	66262.32	Marking	Amend
11	66262.34	Accumulation Time	Repeal
12	66262.35	Extension(s) to Accumulation Time.	Amend
13	66262.41	Biennial Report	Amend
14	66262.250	Applicability	Adopt
15	66262.251	Maintenance and operation of facility	Adopt
16	66262.252	Required Equipment	Adopt
17	66262.253	Testing and Maintenance of Equipment	Adopt
18	66262.254	Access to Communications or Alarm System	Adopt
19	66262.255	Required Aisle Space	Adopt
20	66262.256	Arrangements with Local Authorities	Adopt
21	66262.260	Purpose and Implementation of Contingency Plan	Adopt
22	66262.261	Content of Contingency Plan	Adopt
23	66262.262	Copies of Contingency Plan	Adopt
24	66262.263	Amendment of Contingency Plan	Adopt
25	66262.264	Emergency Coordinator	Adopt
26	66262.265	Emergency Procedures	Adopt

No.	Section	Title / Header	Action
27	66263.43	Specific Requirements for Emergency Response Incident Operations	Amend
28	66263.45	Specific Requirements for Consolidation Operations	Amend
29	66263.46	Specific Requirements for Small Load Operations	Amend
30	66264.1	Purpose, Scope and Applicability	Amend
31	66264.71	Use of Manifest System	Amend
32	66264.191	Assessment of Existing Tank System's Integrity	Amend
33	66264.192	Design and Installation of New Tank Systems or Components	Amend
34	66264.193	Containment and Detection of Releases	Amend
35	66264.1030	Applicability	Amend
36	66264.1050	Applicability	Amend
37	66265.1	Purpose, Scope and Applicability	Amend
38	66265.71	Use of Manifest System	Amend
39	66265.191	Assessment of Existing Tank System's Integrity	Amend
40	66265.192	Design and Installation of New Tank Systems or Components	Amend
41	66265.193	Containment and Detection of Releases	Amend
42	66265.1030	Applicability	Amend
43	66265.1050	Applicability	Amend
44	66268.1	Purpose, Scope and Applicability	Amend
45	66268.7	Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities	Amend
46	66268.50	Prohibitions on Storage of Restricted Wastes	Amend
47	66270.60	Permits by Rule	Amend
48	66273.8	Exemptions	Amend
49	66273.9	Definitions	Amend
50	66273.72	Authorization for Disassembling/Draining Activities	Amend
51	66279.10	Applicability	Amend
52	67426.1	Generator Requirements	Amend

Proposed Regulatory Text

GENERATOR IMPROVEMENTS RULE

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

Office of Administrative Law Notice File Number: Z-2023-0314-03

DIVISION 4.5, TITLE 22, CALIFORNIA CODE OF REGULATIONS

Legend: Amendments are shown from the existing text of the California Code of Regulations, title 22, as:

Underline	<u>Underline</u>	Additions to existing text
Strikeout	Strikeout	Deletions to existing text
***	Existing text (not shown) continues unchanged	

Amend section 66260.10 of the California Code of Regulations, title 22, division 4.5, chapter 10, article 2, to read as follows:

Section 66260.10. Definitions

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

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

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

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

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

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

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

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

(b) July 1, 1991 for:

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

(2) tanks containing RCRA hazardous wastes, if:

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

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

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

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

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

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

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

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

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

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

(b) July 1, 1991 for:

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

(2) tanks containing RCRA hazardous wastes, if:

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

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

Regulations section 264.1 or section 265.1, but the owner or operator is subject to the standards of article 10 of chapter 14 or article 10 of chapter 15 of this division.

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

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

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

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

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

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

Note: Authority cited: Sections 25141, 25150, 25158.1, ~~25158.4~~, 25159, 25159.5, ~~25187.7~~, 25200.10, 25204, 25214.9, 25214.10.2, 25218.3(d), 25200.21, 25245, 25259, 25316, 25355.5, 25356.9, 25358.9, 58004 and 58012, Health and Safety Code; Governor's Reorganizational Plan #1 of 1991; and Section 42475.1 and 42475.2, Public Resources Code. Reference: Sections 25110.02, 25110.1, 25110.5, 25111, 25112,

25112.5, 25113, 25114, 25115, 25117, 25117.1, 25117.3, 25117.8, 25117.9, 25117.11, 25118, 25119, 25120, 25121, 25121.5, 25122.7, 25123, 25123.3, 25123.5, 25123.6, 25141, 25150, 25158.2, 25159, 25159.5, ~~25187.7~~, 25200.1, 25201.6, 25204, 25214.9, 25218.1(f), 25218.3, 25200.21, 25229, 25245, 25259, 25316, 25354(b), 25355.5, 25355.6, 25356.9, 25358.1, 25358.9, 25359.8, 25361, 25501, 25529 and 58012, Health and Safety Code; and 40 CFR Sections 260.10, 261.1, 262.21, 264.551, 264.1031, 268.2, 270.2 and 273.6.

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

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

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

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

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

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

Section 66262.10. Purpose, Scope and Applicability.

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

(b) A generator who treats, stores, or disposes of hazardous waste on site shall comply with the following sections of this chapter with respect to that waste: section 66262.11 for determining whether or not the generator has a hazardous waste, section 66262.12 ~~66262.18~~ for obtaining an identification number, section ~~66262.34~~ 66262.15, 66262.16 or 66262.17 for accumulation of hazardous waste, section 66262.40(c) and (d) for recordkeeping, section 66262.43 for additional reporting, section 66262.44 for hazardous waste of concern reporting, and if applicable, section 66262.70 for farmers.

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

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

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

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

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

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

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

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

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

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

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

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

Section 66262.13. Generator Category Determination.

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

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

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

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

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

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

<u>Quantity of acute hazardous waste generated in a calendar month</u>	<u>Quantity of extremely hazardous waste generated in a calendar month</u>	<u>Quantity of non-acute hazardous waste generated in a calendar month</u>	<u>Generator category</u>
<u>> 1 kg</u>	<u>Any amount</u>	<u>Any amount</u>	<u>Large quantity generator</u>
<u>Any amount</u>	<u>> 1 kg</u>	<u>Any amount</u>	<u>Large quantity generator</u>
<u>Any amount</u>	<u>Any amount</u>	<u>≥ 1,000 kg</u>	<u>Large quantity generator</u>
<u>≤ 1 kg</u>	<u>≤ 1 kg</u>	<u>< 1,000 kg</u>	<u>Small quantity generator</u>
<u>≤ 1 kg</u>		<u>≤ 100 kg</u>	<u>Very small quantity generator</u>

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

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

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

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

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

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

(a) A generator may accumulate as much as 55 gallons of non-acute hazardous waste and/or either one quart of liquid acute hazardous waste listed in section 66261.31 or 66261.33(e) of this division, 1 kg (2.2 lbs) of solid acute hazardous waste listed in section 66261.31 or 66261.33(e) of this division, or one quart of extremely hazardous waste, in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a

permit or interim status and without complying with the requirements of chapters 14, 15, 16, and 20 of this division, provided that all of the conditions for exemption in this section are met. A generator may comply with the conditions for exemption in this section instead of complying with the conditions for exemption in section 66262.16(b) or 66262.17(a), except as required in section 66262.15(a)(7) and (8). The conditions for exemption for satellite accumulation are:

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

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

(3) Special standards for incompatible wastes.

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

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

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

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

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

(B) When temporary venting of a container is necessary

1. For the proper operation of equipment, or

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

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

(A) The words "Hazardous Waste";

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

(C) An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive,

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

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

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

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

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

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

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

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

3. An off-site designated facility; and

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

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

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

2. If the generator determines that using only one 55-gallon or one quart (if liquid) or one kilogram (if solid) container to initially accumulate specific compatible wastestreams is not practical (e.g., prevents recycling or requires unreasonable accumulation

procedures) or safe from an environmental or worker/public health and safety standpoint, the generator may use a separate 55-gallon or one quart (if liquid) or one kilogram (if solid) container for those specific compatible wastestreams. The generator's determination shall be subject to review and approval by the Department at any time.

(7) All satellite accumulation areas operated by a small quantity generator shall meet the preparedness and prevention regulations of section 66262.16(b)(86) and emergency procedures at section 66262.16(b)(97).

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

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

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

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

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

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

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

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

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

(2) Accumulation of hazardous waste in containers.

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

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

(C) Management of containers.

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

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

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

(E) Special conditions for accumulation of incompatible wastes.

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

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

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

(3) Accumulation of hazardous waste in tanks.

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

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

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

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

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

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

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

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

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

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

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

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

documentation shall include a description of the established workplace practices of the generator.

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

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

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

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

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

c. The tank is used solely for emergencies.

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

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

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

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

(4) Labeling and marking of containers and tanks.

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

1. The words "Hazardous Waste";

2. The composition and physical state of the wastes;

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

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

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

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

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

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

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

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

4. Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering; and

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

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

(6) Preparedness and prevention.

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

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

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

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

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

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

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

(D) Access to communications or alarm system.

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

2. If there is ever just one employee on the premises while the facility is operating, the employee shall have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a handheld

two-way radio, capable of summoning external emergency assistance, unless such a device is not required under subsection (b)(6)(B) of this section.

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

(F) Arrangements with local authorities.

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

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

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

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

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

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

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

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

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

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

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

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

1. In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;

2. In the event of a spill, the small quantity generator is responsible for containing the flow of hazardous waste to the extent possible, and as soon as is practicable, cleaning up the hazardous waste and any contaminated materials or soil.

3. In the event of a fire, explosion, or other release that could threaten human health outside the facility or when the small quantity generator has knowledge that a spill has reached surface water, the small quantity generator shall immediately notify the National Response Center (using their 24-hour toll free number (800) 424-8802). The report shall include the following information:

a. The name, address, and U.S. EPA identification number of the small quantity generator;

b. Date, time, and type of incident (e.g., spill or fire);

c. Quantity and type of hazardous waste involved in the incident;

d. Extent of injuries, if any; and

e. Estimated quantity and disposition of recovered materials, if any.

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

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

(d) Accumulation time limit extension. A small quantity generator that accumulates hazardous waste for more than 180 days (or for more than 270 days if it must transport its waste, or offer its waste for transportation, over a distance of 200 miles or more) is subject to the requirements of chapters 14, 15, 18, and 20 of this division unless it has been granted an extension to the 180-day (or 270-day if applicable) period. An extension may be granted by the Department if hazardous wastes shall remain on site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Department on a case-by-case basis. An extension may be granted pursuant to section 66262.35 if non-RCRA or RCRA-exempt hazardous wastes shall remain on site for longer than 180 days.

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

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

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

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

DTSC FACILITY MANIFESTS

P.O. BOX 3000, SACRAMENTO, CA

95812-3000

(f) The small quantity generator of the rejected hazardous waste shall label or mark the hazardous waste in a manner that indicates that it is rejected hazardous waste and shall include the date it was received by the generator. If the generator of the rejected

hazardous waste commingles it with other hazardous wastes, the shorter of any applicable accumulation time limits shall apply to the commingled hazardous waste.

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

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

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

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

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

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

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

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

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

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

(B) Condition of containers. If a container holding hazardous waste is not in good condition, or if it begins to leak, the large quantity generator shall immediately transfer the hazardous waste from this container to a container that is in good condition, or

immediately manage the waste in some other way that complies with the conditions for exemption of this section;

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

(D) Management of containers.

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

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

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

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

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

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

(G) Special conditions for accumulation of incompatible wastes.

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

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

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

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

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

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

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

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

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

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

(4) Accumulation of hazardous waste in containment buildings. If the waste is placed in containment buildings, the large quantity generator shall comply with article 29 of chapter 15 of this division. The generator shall label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site; and also in a conspicuous place provide an indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 Code of Federal Regulations part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram

consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 Code of Federal Regulations 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704.] The generator shall also maintain:

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

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

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

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

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

(5) Labeling and marking of containers and tanks

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

1. The words "Hazardous Waste";

2. The composition and physical state of the wastes;

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

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

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

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

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

1. Mark or label its tanks with the words "Hazardous Waste";
2. Mark or label its tanks with an indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 Code of Federal Regulations part 172, subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 Code of Federal Regulations 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704];
3. The date the applicable accumulation period specified in subsection (a) of this section begins shall be clearly marked and visible for inspection on each tank;
4. Use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering; and
5. Keep inventory logs or records with the above information on site and readily available for inspection.

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

(7) Personnel training.

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

2. Hazardous waste management training program shall be directed by a person trained in hazardous waste management procedures and shall include instruction that teaches facility personnel hazardous waste management procedures (including, but not limited

to, contingency plan implementation and the identification and segregation of incompatible hazardous waste or product) relevant to the positions in which they are employed.

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

- a. Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
- b. Key parameters for automatic waste feed cut-off systems;
- c. Communications or alarm systems;
- d. Response to fires or explosions;
- e. Response to groundwater contamination incidents;
- f. Shutdown of operations;
- g. Self-protection measures; and
- h. Accident prevention methods.

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

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

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

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

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

(D) The training records required by this subsection must demonstrate compliance with subsection (a)(7)(A) and include the specific elements set out in subsection (a)(7)(D)1

through 4. The large quantity generator shall maintain the following documents and records at the facility:

1. The job title for each position at the facility related to hazardous waste management, and the name of the facility personnel filling each job;
2. A written job description for each position listed under subsection (a)(7)(D)1 of this section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;
3. A written description, including a syllabus and/or outline, of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under subsection (a)(7)(D)1 of this section; and
4. Facility personnel -signed or -certified records that document that the training required under subsections (a)(7)(A), (B), and (C) of this section has been given to, and completed by, each facility personnel.

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

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

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

1. Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility; or
2. Meet the closure performance standards of subsection (a)(8)(C) of this section for container, tank, and containment building waste accumulation units or subsection (a)(8)(D) of this section for drip pads, and notify the Department following the procedures in subsection (a)(8)(B)2 of this section for the waste accumulation unit. If the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record.

(B) Notification for closure of the facility.

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

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

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

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

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

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

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

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

d. If the generator demonstrates that any contaminated soils and wastes cannot be practicably removed or decontaminated as required in subsection (a)(8)(B)1.b of this section, then the waste accumulation unit is considered to be a landfill and the generator shall close the waste accumulation unit and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (section 66265.310 of this division). In addition, for the purposes of closure, post-

closure, and financial responsibility, such a waste accumulation unit is then considered to be a landfill, and the generator shall meet all of the requirements for landfills specified in articles 7 and 8 of chapter 15 of this division.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Re-notification.

(1) A small quantity generator of RCRA hazardous waste shall re-notify the Department starting in 2024 and every four years thereafter using EPA form 8700-12. This re-notification shall be submitted by September 1 of each year in which re-notifications are required.

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

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

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

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

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

Section 66262.32. Marking.

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

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

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

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

~~Manifest Document Number _____.~~

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

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

~~(2) Generator's Name and Address _____.~~

~~(3) Generator's EPA Identification Number _____.~~

~~(4) Manifest Tracking Number _____.~~

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

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

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

~~Section 66262.34. Accumulation Time.~~

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

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

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

- ~~1. a description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and~~
- ~~2. documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; and/or~~

~~(C) the waste is placed in containment buildings and the generator complies with article 29 of Chapter 15 of this division, has placed its professional engineer (PE) certification that the building complies with the design standards specified in 66265.1104 in the facility's operating record no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:~~

- ~~1. a written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit, and documentation that the procedures are complied with; or~~
- ~~2. documentation that the unit is emptied at least once every 90 days; and~~

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

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

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

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

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

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

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

~~(d) Notwithstanding subsections (a) and (c) of this section and section 66262.35, a generator of less than 1,000 kilograms of hazardous waste in any calendar month who accumulates hazardous waste onsite for 180 days or less, or 270 days or less if the generator transports the generator's own waste, or offers the generator's waste for transportation, over a distance of 200 miles or more, for offsite treatment, storage, or disposal, is not a storage facility if all of the following apply:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(2) sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest;~~

~~(3) submit a copy of the signed manifest to the department within 30 days of receipt. Mail the legible manifest copy, specifically the Designated Facility to Destination State~~

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

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95812-3000

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

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

~~Note: Authority cited: Sections 25150, 25150.5, 25160.6, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25123.3, 25150, 25158.1, 25159, 25159.5, 25160.6 and 58012, Health and Safety Code; and 40 Code of Federal Regulations Section 262.34.~~

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

Section 66262.35. Extension(s) to Accumulation Time.

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

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

(A) The generator submits a letter, by certified mail with return receipt requested, to the Certified Unified Program Agency (CUPA) notifying the CUPA of the extension. If the generator is located in a jurisdiction with no CUPA, then the notification letter shall be submitted to the officer or agency authorized pursuant to subdivision (f) of Health and Safety Code section 25404.3 to implement and enforce the requirements of Health and Safety Code section 25404(c)(1). The letter shall be received by the CUPA or authorized officer or agency prior to the generator exceeding the applicable time

specified in section ~~66262.34(a) or (d)~~ 66262.16(b) or 66262.17(a). In the letter the generator shall provide all of the following information:

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

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

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

(A) The generator submits a letter, by certified mail with return receipt requested, to the CUPA, or if no CUPA then to the authorized officer or agency in that jurisdiction, requesting the extension. The letter shall be received by the CUPA or authorized officer or agency prior to the generator exceeding the accumulation time specified in ~~Section~~

~~66262.34(a) or (d) 66262.16(b) or 66262.17(a)~~. In the letter the generator shall provide the information and certification listed in (a)(1)(A):

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

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

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

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

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

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

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

Section 66262.41. Biennial Report for Large Quantity Generators.

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

(b) A generator who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who ships any hazardous waste offsite to a transfer, treatment, storage or disposal facility within the United States shall prepare complete and submit a single copy of a Biennial Report, U.S. EPA Form 8700-13A/B to the Department by March 1 of each even-numbered year. The Biennial Report shall be

submitted on forms provided by the Department and shall cover generator activities during the previous calendar year, and shall include the following information:

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

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

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

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

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

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

Section 66262.250. Applicability.

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

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

Section 66262.251. Maintenance and Operation of the Facility.

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

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

Section 66262.252. Required Equipment.

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

- (a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
- (b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;
- (c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and
- (d) Water at adequate volume and pressure to supply water hose streams, or foam-producing equipment, or automatic sprinklers, or water spray systems.

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

Section 66262.253. Testing and Maintenance of Equipment.

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

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

Section 66262.254. Access to Communications or Alarm System.

- (a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access (e.g., direct or

unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the Department has ruled that such a device is not required under section 66262.252.

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

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

Section 66262.255. Required Aisle Space.

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

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

Section 66262.256. Arrangements with Local Authorities.

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

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

(2) As part of this coordination, the large quantity generator shall attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of

the facility, the properties of the hazardous waste handled at the facility and associated hazards, places where personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes as well as the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

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

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

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

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

Section 66262.260. Purpose and Implementation of Contingency Plan.

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

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

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

Section 66262.261. Content of Contingency Plan.

(a) The contingency plan shall describe the actions facility personnel shall take to comply with sections 66262.260 and 66262.265 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

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

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

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

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

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

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

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

Section 66262.262. Copies of Contingency Plan.

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

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

(b) A large quantity generator that first becomes subject to these provisions after July 1, 2024, or a large quantity generator that is otherwise amending its contingency plan shall at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at subsection (a) of this section or, as appropriate, the Local Emergency Planning Committee. The quick reference guide shall include the following elements:

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

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

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

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

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

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

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

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

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

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

Section 66262.263. Amendment of Contingency Plan.

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

(a) Applicable regulations are revised;

(b) The plan fails in an emergency;

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

(d) The list of emergency coordinators changes; or

(e) The list of emergency equipment changes.

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

Section 66262.264. Emergency Coordinator.

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

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

Section 66262.265. Emergency Procedures.

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

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

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

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

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

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

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

(2) The emergency coordinator shall immediately notify either the government official designated as the on-scene coordinator for that geographical area, or the National Response Center (using their 24-hour toll free number (800) 424-8802) and, in every situation, immediately notify the state Office of Emergency Services. The report shall include:

(A) Name and telephone number of reporter;

(B) Name and address of the generator;

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

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

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

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

(e) During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the generator's facility. These measures shall

include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers.

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

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

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

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

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

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

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

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

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

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

(4) The extent of injuries, if any;

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

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

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

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

Section 66263.43. Specific Requirements for Emergency Response Incident Operations.

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

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

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

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

Section 66263.45. Specific Requirements for Consolidation Operations.

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

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

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

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

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

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

Section 66263.46. Specific Requirements for Small Load Operations.

(a) A transporter operating in accordance with this section shall only transport hazardous wastes in amounts no greater than 100 kilograms per load and no greater

than 1,000 kilograms per calendar month, which is the total quantity of hazardous waste which shall be hauled by the transporter.

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

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

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

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

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

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

Section 66264.1. Purpose, Scope and Applicability.

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

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

(1) (reserved);

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

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

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

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

Section 66264.71. Use of Manifest System.

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

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

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

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

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

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

(g)(1) Notwithstanding subsections (b) through (d) of this section, for each existing tank system that does not have secondary containment meeting the requirements of section

66264.193 and which meets the criteria specified in subsection (g)(2) of this section, the assessment specified in subsection (i) of this section shall be conducted by January 24, 1998. This assessment shall be reviewed and certified by an independent, qualified, professional engineer, registered in California, in accordance with section 66270.11(d), that attests to the tank system's integrity. The assessment shall be kept on file at the facility until closure of the facility and shall be valid for a period of one year from the date the assessment was certified.

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

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

1. the owner or operator is a ~~conditionally exempt~~ very small quantity generator as defined in ~~40 CFR section 261.5~~ 66260.10 of this division, or a small quantity generator ~~of more than 100 kg but less than 1,000 kg per month~~ as defined in ~~40 CFR, section 265.20~~ 66260.10 of this division, or

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

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

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

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

(i)(1) Notwithstanding subsections (b) through (h) of this section, design and installation of new tank systems or components used to manage hazardous waste, and which meet the criteria specified in subsection (i)(2) of this section, are not subject to the

requirements of subsections (i) through (n) of this section until January 24, 1998. The assessment specified in subsection (l) of this section shall be obtained prior to placing a new tank system in service and shall be kept on file at the facility. This assessment shall be reviewed and certified by an independent, qualified, professional engineer, registered in California, in accordance with section 66270.11(d), attesting that the tank system has sufficient structural integrity and is acceptable for the transferring, storing and treating of hazardous waste. The assessment shall be valid for a maximum period of five (5) years or the remaining service life of the tank system, as stated in the engineer's assessment, whichever is less. ~~New tank systems that have been assessed pursuant to subsections (b) through (h) of this section prior to June 1, 1995 are not required to be reassessed pursuant to subsection (l) for a period of five years from the date of the assessment or June 1, 2000, whichever is the earlier date. If changes have been made to the tank system or new components have been added to the tank system subsequent to an assessment conducted prior to June 1, 1995, the tank system shall be reassessed pursuant to subsection (l).~~

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

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

1. the owner or operator is a ~~conditionally exempt~~ very small quantity generator as defined in 40 CFR-section 261.5-~~66260.10 of this division~~, or a small quantity generator of more than 100 kg but less than 1000 kg per month as defined in 40 CFR-section ~~265.201-66260.10 of this division~~, or

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

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

Section 66264.193. Containment and Detection of Releases.

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

(3) for tank systems that transfer, store or treat materials that subsequently become hazardous wastes within two years after the materials become hazardous waste unless

the owner or operator complies with section 40 ~~CFR 265.201-262.16(b)(3)~~ and is one of the following:

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

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

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

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

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

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

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

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

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

Section 66264.1030. Applicability.

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

(b) Except for section 66264.1034, subsections (d) and (e), this article applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage RCRA hazardous wastes

with organic concentrations of at least 10 ppmw, if these operations are conducted in one of the following:

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

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

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

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

Section 66264.1050. Applicability.

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

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

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

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

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

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

Section 66265.1. Purpose, Scope and Applicability.

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

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

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

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

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

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

Section 66265.71. Use of Manifest System.

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

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

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

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

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

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

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

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

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

1. the owner or operator is a ~~conditionally exempt~~ very small quantity generator as defined in 40 CFR-section ~~264.5~~ 66260.10 of this division, or a small quantity generator of ~~more than 100 kg but less than 1,000 kg per month~~, as defined in 40 CFR-section ~~265.201~~ 66260.10 of this division, or

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

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

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

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

(h)(1) Notwithstanding subsections (a) through (g) of this section, design and installation of new tank systems or components used to manage hazardous waste, and which meet the criteria specified in subsection (h)(2) of this section, are not subject to the requirements of subsections (h) through (m) of this section until January 24, 1998. The assessment specified in subsection (k) of this section shall be obtained prior to placing a new tank system in service and shall be kept on file at the facility. This assessment shall be reviewed and certified by an independent, qualified, professional engineer, registered in California, in accordance with section 66270.11(d), attesting that the tank system has sufficient structural integrity and is acceptable for the transferring, storing and treating of hazardous waste. The assessment shall be valid for a maximum period of five (5) years or the remaining service life of the tank system, as stated in the engineer's assessment, whichever is less. ~~New tank systems that have been assessed pursuant to subsections (a) through (g) of this section prior to June 1, 1995 are not required to be reassessed pursuant to subsection (k) for a period of five years from the date of the assessment or June 1, 2000, whichever is the earlier date. If changes have been made to the tank system or new components have been added to the tank system subsequent to an assessment conducted prior to June 1, 1995, the tank system shall be reassessed pursuant to subsection (k).~~

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

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

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

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

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

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

Section 66265.193. Containment and Detection of Releases.

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

(2) for all existing tank systems, unless:

(A) the owner or operator is a ~~conditionally-exempt~~ very small quantity generator as defined in ~~40 CFR section 261.5~~ 66260.10 of this division, or a small quantity generator ~~100 kg to 1,000 kg per month-generator as defined in 40 CFR section 265.201~~ 66260.10 of this division, or

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

(3) for tank systems that transfer, store or treat materials that subsequently become hazardous wastes within two years after the materials become hazardous waste unless the owner or operator complies with ~~section 40 CFR 265.201~~ 66262.16(b)(3) of this division and is one of the following:

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

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

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

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

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

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

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

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

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

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

Section 66265.1030. Applicability.

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

(b) Except for Section 66265.1034(d) and (e), this article applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage RCRA hazardous wastes with organic concentrations of at least 10 ppmw, if these operations are conducted in:

(1) units that are subject to the permitting requirements of chapter 20; or

(2) hazardous waste recycling units that are located on hazardous waste management facilities otherwise subject to the federal RCRA TSDf permitting requirements of chapter 20; or

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

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

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

Section 66265.1050. Applicability.

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

(b) Except as provided in Section 66265.1064(k), this article applies to equipment that contains or contacts RCRA hazardous wastes with organic concentrations of at least ten percent by weight that are managed in:

(1) a unit that is subject to the permitting requirements of chapter 20_i or

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

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

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

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

Section 66268.1. Purpose, Scope and Applicability.

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

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

(1) RCRA hazardous waste generated by small quantity generators of equal to or less than 100 kilograms of non-acute hazardous waste or equal to or less than 1 kilogram of acute hazardous waste per month, as defined in 40 ~~CFR~~-Code of Federal Regulations section ~~261.5-260.10~~;

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

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

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

(a) Requirements for generators:

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

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

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

Section 66268.50. Prohibitions on Storage of Restricted Wastes.

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

(1) A generator stores such wastes in tanks, containers, or containment buildings on site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in section ~~66262.16 or 66262.17~~ 66262.34 and Chapters 14 and 15 of this division. ~~(A generator who is in existence on July 1, 1991 and who must store hazardous wastes for longer than the applicable accumulation period specified in subsection (a) or (d) of section 66262.34 of this chapter, due to the regulations under this chapter becomes an owner/operator of a storage facility and shall obtain a Hazardous Waste Facility Permit. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under section 66270.70 of chapter 20).~~

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

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

1. The words "Hazardous Waste";
2. The applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in article 3 and 4 of chapter 11 of this division;
3. An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 Code of Federal Regulations part 172, subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 Code of Federal Regulations 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704]; and

4. The date each period of accumulation begins.

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

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

Section 66270.60. Permits by Rule.

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

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

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

(A) The operator of a PHHWCF shall submit, in person or by certified mail with return receipt requested, a Permanent Household Hazardous Waste Collection Facility Permit

by Rule Notification (DTSC Form 1094B) (11/08) to CUPA or authorized agency. The notification shall be submitted a minimum of 45 days in advance of the planned commencement of operation except as provided in subsections (c)(2) and (c)(3) of this section. Each notification required by this subsection shall be completed, dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications and shall be submitted with all of the following:

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

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

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

Section 66273.8. Exemptions.

(a) Household universal waste generator exemption.

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

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

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

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

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

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

Section 66273.9. Definitions.

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

"~~Conditionally-exempt~~ Very small quantity universal waste generator" means a generator of universal waste who:

(a) generates no more than 100 kilograms (220 pounds) of RCRA hazardous wastes, including universal wastes that are RCRA hazardous wastes, and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month; and

(b) remains in compliance with 40 CFR Code of Federal Regulations section ~~261.5~~262.14.

Note: Authority cited: Sections 25141, 25141.5, 25150, 25214.6, 25150.6, 25201, 25214.9, 25219.1, 25259, and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1, 25219.2, and 25259, Health and Safety Code; 40 CFR Sections 261.4, ~~261.5~~262.14 and 273.9.

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

Section 66273.72. Authorization for Disassembling/Draining Activities.

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

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

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

Note: Authority cited: Sections 25141, 25141.5, 25143.2, 25150, 25173, 25201, 25214.6, 25214.9, 25214.10.2, 25219.1, 25259 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25141.5, 25150, 25159.5, 25173, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1, 25219.2, and 25259 Health and Safety Code.

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

Section 66279.10. Applicability

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

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

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

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

demonstrated, by testing all sources of oil contained in the collected used oil for total halogens as specified in section 66279.90(a), that the source of the total halogens exceeding 1,000 ppm is solely from household do-it-yourselfer used oil or used oil collected from a ~~conditionally exempt~~ very small quantity generator as defined in section ~~261.5(a)~~ 260.10 of Title 40, Code of Federal Regulations.

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

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

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

Section 67426.1. Generator Requirements.

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

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

Generator Improvements Rule

DTSC's Generator Improvements Rule (GIR) rulemaking, that includes mandatory GIR provisions, was recently approved by Office of Administrative Law (OAL) and is effective starting July 1, 2024.

- DTSC Reference Number: R-2023-08R
- OAL Reference Number: 2023-0314-03
- Regulatory Action Number: 2024-0322-01S

By July 1, 2024, each large quantity generator will be required to submit a Quick Reference Guide along with the contingency plan to the local emergency responders either when the contingency plan is amended or when the generator first becomes subject to large quantity generator requirements. The Quick Reference Guide template and instructions are provided to assist large quantity generators with compliance with the new requirements.

- [Instructions](#)
- [Template](#)
- [Extra Pages](#)

Please visit the following [Frequently Asked Questions webpage](#) for questions regarding the adoption of the GIR in California.

Please visit the following [Final Regulations webpage](#) for the final regulation rulemaking information.

Please be sure to check the website for more information as DTSC continues to update this website.

DTSC encourages all interested parties to [subscribe to the GIR E-List](#) to receive updates and information regarding the adoption of the Generator Improvements Rule in California.

Introduction

On May 30, 2017, the United States Environmental Protection Agency's (U.S. EPA's) Hazardous Waste Generator Improvement Rule (GIR) went into effect. However, because California is an authorized state the GIR does not take effect in California until DTSC adopts the rule, or parts thereof, via the rulemaking process.

To summarize, the GIR does the following:

1. Re-organizes and consolidates generator regulations
2. Provides greater flexibility to generators
3. Strengthens environmental protections by identifying regulatory gaps
4. Clarifies certain aspects of the generator program

More information about the GIR can be found on the [Final Rule: Hazardous Waste Generator Improvements](#) web page. The [Federal Register](#) where the GIR was published contains detailed information regarding US EPA's rationale for adopting the various provisions of the GIR. The Federal Register on the GIR may also be accessed by clicking on the "US EPA Federal Register on GIR" link under the "Hazardous Waste Related Links" on the right side of this web page.

DTSC is adopting portions of the GIR in two rulemaking packages. To accomplish this, DTSC is doing the following:

1. Conduct a regular rulemaking that:
 - Adopt regulations from the GIR that are more stringent than California's hazardous waste generator regulations.
 - Re-organize California's hazardous waste generator regulations to align with the federal re-organization.
 - Add new definitions and modify an existing one.
 - Restructure the language in California's requirements to conform with federal language while maintaining compliance with existing state requirements that are more stringent.
2. Establish a work group to evaluate requirements in the GIR that provide flexibility to California's hazardous waste generator regulations.

3. Conduct a separate regular rulemaking to adopt selected provisions from the GIR that provide flexibility for generators.

Mandatory Provisions and Reorganization

Of the changes that US EPA included in the GIR, DTSC is required to adopt provisions of the rule that are identified as more stringent than California's current hazardous waste regulations. These provisions are considered mandatory because DTSC must adopt them to maintain authorization to administer California's hazardous waste program in lieu of the federal program pursuant to the Resource Conservation and Recovery Act (RCRA).

The following provisions are mandatory provisions that were adopted in the first regular rulemaking package:

- A re-notification requirement for small quantity generators and large quantity generators (40 CFR 262.18(d))
- Additional marking and labeling requirements for containers and tanks (40 CFR 262.15(a)(5), 262.16(b)(6), 262.17(a)(5), 263.12(b) and 268.50(a)(2)(i))
- Additional pre-transportation marking requirements for containers (40 CFR 262.32(b) and (c))
- New large quantity generator closure requirements (40 CFR 262.17(a)(8))
- Increased requirements for satellite accumulation areas (40 CFR 262.15(a)(3))
- New requirements added to the preparedness, prevention, and emergency procedures for small quantity generators and large quantity generators including:
 - Documenting those arrangements with local authorities were made or attempted to be made by the generator (40 CFR 262.16(b)(8)(vi) and 262.256)
 - A quick reference guide that summarizes a large quantity generator's contingency plan (40 CFR 262.16(b)(8)(iv), 262.256, and 262.262(b))
- Additional requirements for containers holding ignitable and reactive wastes for large quantity generators (40 CFR, 262.17(a)(1)(vi)(B))

DTSC also reorganized California's hazardous waste generator regulations via the first rulemaking process to align them with the federal re-organization. DTSC believes such changes will improve the overall clarity of the hazardous waste generator regulations and will ensure that the mandatory provisions can be easily integrated into California's existing hazardous waste generator regulations.

These organizational changes include the following:

- Moving the satellite accumulation area regulations from 22 CCR 66262.34(e) to a new section 66262.15
- Moving the small quantity generator regulations from 22 CCR 66262.34(d) to a new section 66262.16
- Moving the large quantity generator regulations from 22 CCR 66262.34 to a new section 66262.17
- Moving preparedness and prevention requirements and contingency and emergency procedures, from 22 CCR, Division 4.5, Chapter 15, articles 3 and 4, to the new article 9 in 22 CCR Division 4.5, Chapter 12 entitled Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators.

Optional Provisions

DTSC may also adopt other provisions of the GIR identified as either providing greater flexibility for generators or equivalent to California's existing regulations. These provisions are considered optional because they are less stringent than California's existing hazardous waste program.

The following are provisions that have been identified by DTSC as optional provisions.

Optional provisions that are being considered for adoption in a second regular rulemaking package include:

- New requirements allowing very small quantity generators to voluntarily send their hazardous waste to certain large quantity generators (40 CFR 262.14(a)(5)(vii) and 262.17(f))
- Special requirements for accumulating ignitable/reactive wastes for large quantity generators (40 CFR 262.17(a)(1)(vi))

- New requirements for generators that temporarily change generator category as a result of an episodic event (40 CFR 262 subpart L)
- The addition of language to hazardous waste determination criteria to improve program efficiency (40 CFR 262.11)
- Distinguishing between independent requirements and conditions for exemption (40 CFR 262.10(a) and (g))
- Revisions to the satellite accumulation area requirements for small quantity generators and large quantity generators (40 CFR 262.15)
- Relocate conditions for exemption for very small quantity generators from 40 CFR section 261.5 to 40 CFR section 262.14 (new conditions for exemption for very small quantity generators section)

Next Steps

DTSC is selecting the remainder of the optional provisions to prepare for the second regular rulemaking and will be holding a workshop to seek stakeholder feedback. To ensure that you receive updates and notifications of any future activities pertaining to either of these rulemaking packages, including any public outreach, please [subscribe to the GIR E-List](#).

Still Have Questions?

If you have additional questions about the Generator Improvements Rule or DTSC's regulation adoption activities, please email gir@dtsc.ca.gov.

DTSC's Generator Improvements Rule (GIR) rulemaking, that includes mandatory GIR provisions, was recently approved by Office of Administrative Law (OAL) and will be effective starting July 1, 2024.

DTSC Reference Number: R-2023-08R

OAL Reference Number: 2023-0314-03

Regulatory Action Number: 2024-0322-01S

Please be sure to check the website for more information as DTSC continues to update this website.

Please visit the following [Final Regulations webpage](#) for the final regulation rulemaking information.

DTSC encourages all interested parties to [subscribe to the GIR E-List](#) to receive updates and information regarding the adoption of the Generator Improvements Rule in California.

Introduction

On May 30, 2017, the United States Environmental Protection Agency's (U.S. EPA's) Hazardous Waste Generator Improvement Rule (GIR) went into effect. However, because California is an authorized state the GIR does not take effect in California until DTSC adopts the rule, or parts thereof, via the rulemaking process.

To summarize, the GIR does the following:

1. Re-organizes and consolidates generator regulations
2. Provides greater flexibility to generators
3. Strengthens environmental protections by identifying regulatory gaps
4. Clarifies certain aspects of the generator program

More information about the GIR can be found on the [Final Rule: Hazardous Waste Generator Improvements](#) web page. The [Federal Register](#) where the GIR was published contains detailed information regarding US EPA's rationale for adopting the various provisions of the GIR. The Federal Register on the GIR may also be accessed by clicking on the "US EPA Federal Register on GIR" link under the "Hazardous Waste Related Links" on the right side of this web page.

DTSC is adopting portions of the GIR in two rulemaking packages. To accomplish this, DTSC is doing the following:

1. Conduct a regular rulemaking that:
 - Adopt regulations from the GIR that are more stringent than California's hazardous waste generator regulations.

- Re-organize California's hazardous waste generator regulations to align with the federal re-organization.
 - Add new definitions and modify an existing one.
 - Restructure the language in California's requirements to conform with federal language while maintaining compliance with existing state requirements that are more stringent.
2. Establish a work group to evaluate requirements in the GIR that provide flexibility to California's hazardous waste generator regulations.
 3. Conduct a separate regular rulemaking to adopt selected provisions from the GIR that provide flexibility for generators.

Mandatory Provisions and Reorganization

Of the changes that US EPA included in the GIR, DTSC is required to adopt provisions of the rule that are identified as more stringent than California's current hazardous waste regulations. These provisions are considered mandatory because DTSC must adopt them to maintain authorization to administer California's hazardous waste program in lieu of the federal program pursuant to the Resource Conservation and Recovery Act (RCRA).

The following provisions are mandatory provisions that were adopted in the first regular rulemaking package:

- A re-notification requirement for small quantity generators and large quantity generators (40 CFR 262.18(d))
- Additional marking and labeling requirements for containers and tanks (40 CFR 262.15(a)(5), 262.16(b)(6), 262.17(a)(5), 263.12(b) and 268.50(a)(2)(i))
- Additional pre-transportation marking requirements for containers (40 CFR 262.32(b) and (c))
- New large quantity generator closure requirements (40 CFR 262.17(a)(8))
- Increased requirements for satellite accumulation areas (40 CFR 262.15(a)(3))
- New requirements added to the preparedness, prevention, and emergency procedures for small quantity generators and large quantity generators including:

- Documenting those arrangements with local authorities were made or attempted to be made by the generator (40 CFR 262.16(b)(8)(vi) and 262.256)
- A quick reference guide that summarizes a large quantity generator's contingency plan (40 CFR 262.16(b)(8)(iv), 262.256, and 262.262(b))
- Additional requirements for containers holding ignitable and reactive wastes for large quantity generators (40 CFR, 262.17(a)(1)(vi)(B))

DTSC also reorganized California's hazardous waste generator regulations via the first rulemaking process to align them with the federal re-organization. DTSC believes such changes will improve the overall clarity of the hazardous waste generator regulations and will ensure that the mandatory provisions can be easily integrated into California's existing hazardous waste generator regulations.

These organizational changes include the following:

- Moving the satellite accumulation area regulations from 22 CCR 66262.34(e) to a new section 66262.15
- Moving the small quantity generator regulations from 22 CCR 66262.34(d) to a new section 66262.16
- Moving the large quantity generator regulations from 22 CCR 66262.34 to a new section 66262.17
- Moving preparedness and prevention requirements and contingency and emergency procedures, from 22 CCR, Division 4.5, Chapter 15, articles 3 and 4, to the new article 9 in 22 CCR Division 4.5, Chapter 12 entitled Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators.

Optional Provisions

DTSC may also adopt other provisions of the GIR identified as either providing greater flexibility for generators or equivalent to California's existing regulations. These provisions are considered optional because they are less stringent than California's existing hazardous waste program.

The following are provisions that have been identified by DTSC as optional provisions.

Optional provisions that are being considered for adoption in a second regular rulemaking package include:

- New requirements allowing very small quantity generators to voluntarily send their hazardous waste to certain large quantity generators (40 CFR 262.14(a)(5)(vii) and 262.17(f))
- Special requirements for accumulating ignitable/reactive wastes for large quantity generators (40 CFR 262.17(a)(1)(vi))
- New requirements for generators that temporarily change generator category as a result of an episodic event (40 CFR 262 subpart L)
- The addition of language to hazardous waste determination criteria to improve program efficiency (40 CFR 262.11)
- Distinguishing between independent requirements and conditions for exemption (40 CFR 262.10(a) and (g))
- Revisions to the satellite accumulation area requirements for small quantity generators and large quantity generators (40 CFR 262.15)
- Relocate conditions for exemption for very small quantity generators from 40 CFR section 261.5 to 40 CFR section 262.14 (new conditions for exemption for very small quantity generators section)

Next Steps

DTSC is selecting the remainder of the optional provisions to prepare for the second regular rulemaking and will be holding a workshop to seek stakeholder feedback. To ensure that you receive updates and notifications of any future activities pertaining to either of these rulemaking packages, including any public outreach, please [subscribe to the GIR E-List](#).

Still Have Questions?

If you have additional questions about the Generator Improvements Rule or DTSC's regulation adoption activities, please email gir@dtsc.ca.gov.

Comparison of Indoor and Outdoor Heat Illness Prevention Standards

Requirement	Outdoor Heat (T8CCR 3395)	Indoor Heat (T8CCR 3396)
Scope and Application	<ul style="list-style-type: none"> Applies to outdoor workplaces 	<ul style="list-style-type: none"> Applies to indoor workplaces when the indoor temperature is greater than 82°F
Provide Clean Drinking Water	<ul style="list-style-type: none"> Provide access to potable water that is fresh, suitably cool, and free of charge Located as close as possible to work areas 	<ul style="list-style-type: none"> Provide access to potable water that is fresh, suitably cool, and free of charge Located as close as possible to work areas and cool-down areas
Access to Shade and Cool-Down Areas	<ul style="list-style-type: none"> For outdoor workplaces, shade must be present when temperatures are greater than 80°F. When temperatures are less than 80°F, shade must be available upon request For indoor workplaces, provide access to at least one cool-down area which must be kept at a temperature below 82°F Shade and cool-down areas must be: <ul style="list-style-type: none"> Blocked from direct sunlight Large enough to accommodate the number of workers on rest breaks so they can sit comfortably without touching each other Close as possible to the work areas For indoor workplaces, the cool-down areas must be kept at less than 82°F and shielded from other high-radiant heat sources 	
Cool-Down Rest Periods	<ul style="list-style-type: none"> Encourage workers to take preventative cool-down rest periods Allow workers who ask for a cool-down rest period to take one Monitor workers taking such rest periods for symptoms of heat-related illness 	
High-Heat Procedures	<ul style="list-style-type: none"> Have and implement procedures to deal with heat when the temperature equals or exceeds 95°F Procedures must include: <ul style="list-style-type: none"> Observing and communicating effectively with workers Reminding workers to drink water and take cool-down rest breaks 	<ul style="list-style-type: none"> <i>Not applicable to Indoor Workplaces</i>
Assessment and Control Measures	<ul style="list-style-type: none"> <i>Not applicable to Outdoor Workplaces</i> 	<ul style="list-style-type: none"> Measure the temperature and heat index and record whichever is greater whenever the temperature or heat index reaches 87°F (or temperature reaches 82°F for workers working in clothing that restricts heat removal or high-radiant-heat areas) Implement control measures to keep workers safe. Feasible engineering controls must be implemented first.

Requirement	Outdoor Heat (T8CCR 3395)	Indoor Heat (T8CCR 3396)
Monitoring the Weather	<ul style="list-style-type: none"> • Monitor outdoor temperature and ensure that once the temperature exceeds 80°F, shade structures will be opened and made available to the workers • When it is at least 95°F, implement high-heat procedures • Train supervisors on how to check weather reports and how to respond to weather advisories 	<ul style="list-style-type: none"> • For indoor workplaces that are affected by outdoor temperatures, train supervisors on how to check weather reports and how to respond to hot weather advisories
Emergency Response Procedures	<ul style="list-style-type: none"> • Provide first aid or emergency response to any workers showing heat illness signs or symptoms, including contacting emergency medical services 	
Acclimatization	<ul style="list-style-type: none"> • Closely observe new workers and newly assigned workers working in hot areas during a 14-day acclimatization period, as well as all workers working during a heat wave 	
Training	<ul style="list-style-type: none"> • Employers must provide training to both workers and supervisors 	
Heat Illness Prevention Plan	<ul style="list-style-type: none"> • Establish, implement, and maintain an effective written Outdoor Heat Illness Prevention Plan that includes procedures for providing drinking water, shade, preventative rest periods, close observation during acclimatization, high-heat procedures, training, prompt emergency response 	<ul style="list-style-type: none"> • Establish, implement, and maintain an effective written Indoor Heat Illness Prevention Plan that includes procedures for providing drinking water, cool-down areas, preventative rest periods, close observation during acclimatization, assessment and measurement of heat, training, prompt emergency response, and feasible control measures

Heat Illness Prevention in Indoor Workplaces

Information for Employers



California Code of Regulations, title 8, section **3396** establishes required safety measures for indoor places of employment to prevent employee exposure to risk of heat illness. The standard applies to most workplaces where the indoor temperature reaches 82°F. This regulation requires employers to provide access to drinking water and cool-down areas, closely observe employees during acclimatization, train employees, and provide timely emergency aid.

This fact sheet provides an overview—not all the requirements—of section 3396. Please read the regulation for full requirements.

Why should employers be concerned about indoor heat illness prevention?

Many employees in indoor settings such as factories, food trucks, kitchens, warehouses, and foundries work in hot environments and are often unable to take advantage of heat illness prevention policies that apply to their counterparts working in outdoor places of employment.

Heat illness is a serious medical condition resulting from the body's inability to cope with a particular heat load. Types of heat illness include heat cramps, heat exhaustion, heat syncope, and heat stroke, which can lead to death.

Signs of heat stress

The longer a person goes without assistance in excessive heat, the more likely they are to become seriously ill. Some symptoms of heat illness include the following:

- Headache
- Fatigue
- Dizziness
- Confusion
- Muscle pain and spasms
- Elevated heart rate
- Heavy sweating
- Hot/dry skin
- Nausea/vomiting
- Fainting/unconsciousness

Certain medical conditions are risk factors of heat stress and related heat illnesses. Employees with heart disease or high blood pressure and those taking certain medications should take extra precautions with their heat exposure.

Taking steps to prevent heat illness in indoor workplaces not only reduces health risks, but also makes the workplace environment comfortable, which makes it easier for employees to work more efficiently and increases overall productivity.

What must employers do?

Access to clean drinking water: Employers are required to provide access to potable water that is fresh, suitably cool, and free of charge. It must be located as close as practicable to the work area and cooling area. If an employer does not provide plumbed water, they are required to provide at least one quart per hour per employee per shift. Employers must encourage frequent water consumption.

Cool-down areas and rest periods: Employers must provide access to at least one cool-down area which must be maintained at a temperature below 82°F, blocked from direct sunlight, shielded from other high-radiant heat sources, large enough to accommodate the number of employees on rest breaks, and as close as practicable to the work area. They must allow employees who ask for a cool-down rest period to take one. In addition, employers must encourage employees to take preventative cool-down rest periods and monitor employees taking such rest periods for symptoms of heat-related illness. If symptoms persist, they may not be ordered back to work.

Assessing and measuring heat: Employers must measure the temperature and heat index and record whichever is greater whenever the temperature or heat index reaches 87°F (or temperature reaches 82°F for employees working in clothing that restricts heat removal or high radiant heat areas). This is an important step to ensure that employers know when to implement control measures to keep employees safe.

Emergency response procedures: Employers must provide first aid or emergency response to any workers showing heat illness signs or symptoms, including contacting emergency medical services.

Acclimatization: Employers must closely observe new employees and newly assigned employees working in hot areas during a 14-day acclimatization period, as well as all employees working during a heat wave where no effective engineering controls are in use.

“Heat wave” means any day in which the predicted high outdoor temperature for the day will be at least 80°F and at least 10°F greater than the average high daily outdoor temperature for the preceding five days.

“Acclimatization” means temporary adaptation of the body to work in the heat that occurs gradually when a person is exposed to it. Acclimatization peaks in most people within 4 to 14 days of regular work for at least 2 hours per day in the heat.



Training: Employers need to provide training to both employees and supervisors. Required topics include:

- Environmental and personal risk factors for heat illness.
- The employer’s procedures for complying with the regulation.
- The importance of frequent water consumption.
- The importance and methods of acclimatization.
- Signs and symptoms of the different types of heat illness.
- The importance of employees immediately reporting to the employer signs and symptoms of heat illness in themselves or co-workers.
- The employer’s procedures for responding to signs and symptoms of heat illness, such as first aid.

- Emergency response procedures, including contacting emergency medical services with clear directions to the worksite.
- Before supervising employees, the supervisor must be trained in all the information listed above and how to monitor and respond to hot weather reports, if the work area is affected by outdoor temperatures.

Controls: Employers are required to implement engineering and administrative controls and personal heat-protective equipment to minimize the risk of heat illness when:

- Temperature or heat index is 87°F or higher.
- Temperature is 82°F or higher and employees are either
 - wearing clothing that restricts heat removal or
 - working in an area with high radiant heat.

More information on controls is given in the “Controls” section below.

Written plan: Establish, implement, and maintain an effective written Indoor Heat Illness Prevention Plan that includes procedures for providing drinking water, cool-down areas, preventative rest periods, close observation during acclimatization, assessment and measurement of heat, training, timely emergency response, and feasible control measures.

Controls

Employers must start with feasible engineering controls, then add administrative controls if those are not enough to reduce the temperature and heat index to below 87°F (or temperature to below 82°F for employees working in clothing that restricts heat removal or high radiant heat areas). Employers have options when implementing control measures to protect their workers against heat illness and to comply with the standard:

Engineering controls: These are controls that remove or reduce heat or create a barrier between the employee and the heat source. Examples include:



- Increased natural ventilation, such as open windows and doors when the outdoor temperature or heat index is lower than the indoor temperature and heat index.
- Cooling fans or air conditioning.
- Local exhaust ventilation at points of high heat production or moisture (such as exhaust hoods in laundry rooms).
- Reflective shields to block or reduce radiant heat.
- Insulating or isolating heat sources from employees, or isolating employees from heat sources.
- Elimination of steam leaks.
- Cooled seats or benches.
- Evaporative coolers.

Administrative controls: These controls are methods that limit exposure to heat by adjusting work procedures, practices, or schedules. Administrative controls should be used once all feasible engineering controls have been implemented.

- Modify work schedules and activities to times of the day when the temperature is cooler or schedule shorter shifts, especially during heat waves. For newly hired workers and unacclimatized existing workers, gradually increase shift length over the first one to two weeks.

- Require mandatory rest breaks in a cooler environment, such as a shady location or an air-conditioned building. The duration of the rest breaks should increase as heat stress rises.
- Schedule work at cooler periods or times of day, such as early morning or late afternoon.
- Rotate job functions among workers to help minimize exertion and heat exposure. If workers must be in proximity to heat sources, mark them clearly, so they are aware of the hazards.
- Require employees to work in pairs or groups during extreme heat so they can monitor each other for signs of heat illness.

Personal heat-protective equipment: If feasible engineering controls do not decrease the temperature enough and administrative controls do not minimize the risk of heat illness, special cooling devices that the employees wear can protect them in hot environments:

- Water- or air-cooled garments, cooling vests, jackets, and neck wraps. The cooling source can be reusable ice packs or cooled air connected to an external source.
- Supplied-air personal cooling systems.
- Insulated suits.
- Heat-reflective clothing.
- Infrared reflecting face shields.

Workers should be aware that the use of certain personal protective equipment for other hazards, such as respirators, impermeable clothing, and head coverings, can increase the risk of heat-related illness.

Resources

Cal/OSHA

- Title 8, Section **3395**, Heat Illness Prevention in Outdoor Places of Employment
- Title 8, Section **3396**, Heat Illness Prevention in Indoor Places of Employment

Publications

- **Heat Illness**
- **Cal/OSHA Heat Illness Prevention**

Fed OSHA

- **Overview: Working in Outdoor and Indoor Heat Environments**
- **Prevention: Engineering Controls, Work Practices, and Personal Protective Equipment**

NIOSH

- **Heat Stress**
- **Occupational Exposure to Heat and Hot Environments**

June 2024



This document is available with active links at www.dir.ca.gov/dosh/dosh_publications
For assistance regarding this subject matter, employers may contact
Cal/OSHA Consultation Services at 1-800-963-9424 or InfoCons@dir.ca.gov

www.dir.ca.gov/dosh/consultation.html

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Monthly Public Meeting

10:00 A.M., July 16, 2024
Cal/EPA Building – Byron Sher Auditorium
Via [Webcast](#)

A. DIRECTOR'S REPORT

Presentations or discussions by the Director and/or Executive Offices regarding department matters, legislative updates, public affairs, or initiatives.

B. POLICY & PROGRAM UPDATE

Information Items

1. Baseline Report for the Zero Waste Plan
Department Staff Contact: Sue.Vang@CalRecycle.ca.gov
2. SB 54 Implementation
Department Staff Contact: Zoe.Heller@CalRecycle.ca.gov
3. AB 2440 Implementation
Department Staff Contact: Karen.Kayfetz@CalRecycle.ca.gov
[Public Notice](#)

C. GRANT AND LOAN PROGRAMS

Action Items

1. Eligibility, Scoring Criteria, and Evaluation Process for the Reusable Beverage Containers Infrastructure Grant Program (AB 179, Fiscal Year 2022-23)
Department Staff Contact: Blair.McIntosh@CalRecycle.ca.gov
[Public Notice](#)
2. Eligibility, Scoring Criteria, and Evaluation Process for the Beverage Containers Quality Infrastructure Grant Program (AB 179, Fiscal Year 2022-23)
Department Staff Contact: Blair.McIntosh@CalRecycle.ca.gov
[Public Notice](#)
3. Eligibility, Scoring Criteria and Evaluation Process for the Beverage Container Recycling Grant Program (Beverage Container Recycling Fund, Fiscal Years 2024-25 and 2025-26)
Department Staff Contact: Tj.Nguyen@CalRecycle.ca.gov
[Public Notice](#)

4. Eligibility, Scoring Criteria and Evaluation Process for the Household Hazardous Waste Grant Program (Integrated Waste Management Fund, Fiscal Year 2024-25 and 2025-26)

Department Staff Contact: Mai.Andrews@CalRecycle.ca.gov

[Public Notice](#)

Information Item

1. Awards for the Local Government Waste Tire Cleanup Grant Program (Tire Recycling Management Fund, Fiscal Year 2024-25)

Department Staff Contact: Cathy.Aggergaard@CalRecycle.ca.gov

[Public Notice](#)

2. Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Cleanup Account, Fiscal Year 2023-24)

Department Staff Contact: Cathy.Aggergaard@CalRecycle.ca.gov

[Public Notice](#)

3. Awards for the Local Enforcement Agency Grant Program EA35 (Integrated Waste Management Account, Fiscal Year 2024-25)

Department Staff Contact: Phanessa.Fong@calrecycle.ca.gov

[Public Notice](#)

Open Applications:

Farm and Ranch Solid Waste Cleanup and Abatement Grant Program

Application Due Date: July 9, 2024 (Cycle 83)

Farm and Ranch Solid Waste Cleanup and Abatement Grant Program

Application Open Date: July 10, 2024 (Cycle 84)

Application Due Date: October 8, 2024 (Cycle 84)

Tire-Derived Aggregate Grant Program

Application Due Date: August 15, 2024 (TDA 23)

Tire Incentive Program

Application Due Date: August 21, 2024 (TIP12)

Greenhouse Gas Reduction Loan Program

Application Due Date: Continuous

Recycling Market Development Zone Loan Program

Application Due Date: Continuous

Household Hazardous Waste Grants

Tentatively Scheduled to Open: July 18, 2024 (HD42 & 43)

Beverage Container Recycling Grant

Tentatively Scheduled to Open: July 23, 2024 (RBC36 & 37)

D. POLICY MANDATES/WORKSHOPS/RULEMAKING PROCEEDINGS

Action Items

No actions at this time.

Information Items

1. Paint update on PaintCare's Calendar Year 2023 Annual Report
Department Staff Contact: Stephanie.Fernandes@CalRecycle.ca.gov
2. Carpet update on Carpet America Recovery Effort's Revised Contingency Plan Amendment
Department Staff Contact: Robyn.Gillum@CalRecycle.ca.gov

E. LOCAL ASSISTANCE

Action Items

1. Five-Year Review Report for the Countywide Integrated Waste Management Plan for the County of Mendocino
Department Staff Contact: Marshall.Graham@CalRecycle.ca.gov
[Public Notice](#)
2. Five-Year Review Report for the Regional Agency Integrated Waste Management Plan for the Sierra County Regional Agency
Department Staff Contact: Marshall.Graham@CalRecycle.ca.gov
[Public Notice](#)

Information Items

Nothing to report at this time.

F. SOLID WASTE AND TIRE FACILITIES

Action Items

1. US Borax, Inc - Gangue/Refuse Waste Pile - Boron Operations, Solid Waste Disposal Site, located at 14486 Borax Road, Boron, CA 93516, Kern County, Modified Solid Waste Facilities Permit, Action Needed December 31, 2024
Department Staff Contact: Eric.Kiruja@CalRecycle.ca.gov
[Public Notice](#)
2. Cemex Black Mountain Quarry Plant EMSW Conversion Facility, located at 25220 Black Mountain Quarry Road, Apple Valley, CA 92307, San Bernardino County, New Solid Waste Facilities Permit, Action Needed July 13, 2024
Department Staff Contact: Megan.Emslander@CalRecycle.ca.gov
[Public Notice](#)
3. Victor Valley Materials Recovery Facility and Transfer Station, located at 17000 Abbey Lane, Victorville, CA 92394, San Bernardino County, Revised Solid Waste Facilities Permit, Action Needed July 30, 2024
Department Staff Contact: Megan.Emslander@CalRecycle.ca.gov
[Public Notice](#)
4. Rubicon Logistics, Inc., located 6801 McComber Street, Sacramento 95828, New Minor Waste Tire Facility Permit, Action Needed December 7, 2024
Department Contact: Alyssa.Williams@CalRecycle.ca.gov
[Public Notice](#)
5. Del Norte Regional Recycling and Transfer Station, located at 111 S. Del Norte Blvd, Oxnard, CA 93030, Ventura County, Modified Solid Waste Facilities Permit, Action Needed August 23, 2024
Department Staff Contact: Theodore.Tasiopoulos@CalRecycle.ca.gov
[Public Notice](#)

Information Item

Nothing to report at this time.

L. PUBLIC COMMENT

Get involved in CalRecycle's decision-making process. To more fully engage with Californians on monthly public meeting agenda items, CalRecycle accepts welcomes live public comments [in-person or over-the-phone](#).

CalRecycle has a public noticing site to provide interested parties with information about programs, activities, and departmental decisions.

- To review final CalRecycle decisions and other department activities, please go to: CalRecycle.ca.gov/PublicInfo/ or CalRecycle.ca.gov/BevContainer/Notices.
- For public meeting participation, listserv, and feedback information, please go to: CalRecycle.ca.gov/PublicMeeting/

People may speak on any matter concerning CalRecycle with the exception of items related to pending adjudicative (certification or enforcement) proceedings.



Public Meeting

Monthly Updates

July 16, 2024



✓ **Baseline Report Published: July 1, 2024**

- Evaluation of existing programs and recommendations
- Report on CalRecycle's website:



California's Zero Waste Plan

California's Zero Waste Plan Timeline

Baseline Report
sent to legislature

July 1, 2024

Engagement with
interested parties

Summer 2024

Zero Waste Plan
workshop

August 2024

Zero Waste Plan
sent to legislature

January 1, 2026

Next steps:

- Email survey – Zero Waste Plan Listserv
- Public engagement event
 - Tentatively August 14, 2024
 - CalEPA HQ and online



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Plastic Pollution Prevention Law Implementation Updates

- Covered Material Categories list updates published
- Draft regulations public comment review
- **Program Environmental Impact Report**
 - Hybrid public meeting: July 22nd from 1 to 3 p.m.
 - CalEPA HQ and online
 - Feedback welcome
- SB 54 Advisory Board meeting: July 19th
 - CalEPA HQ and online

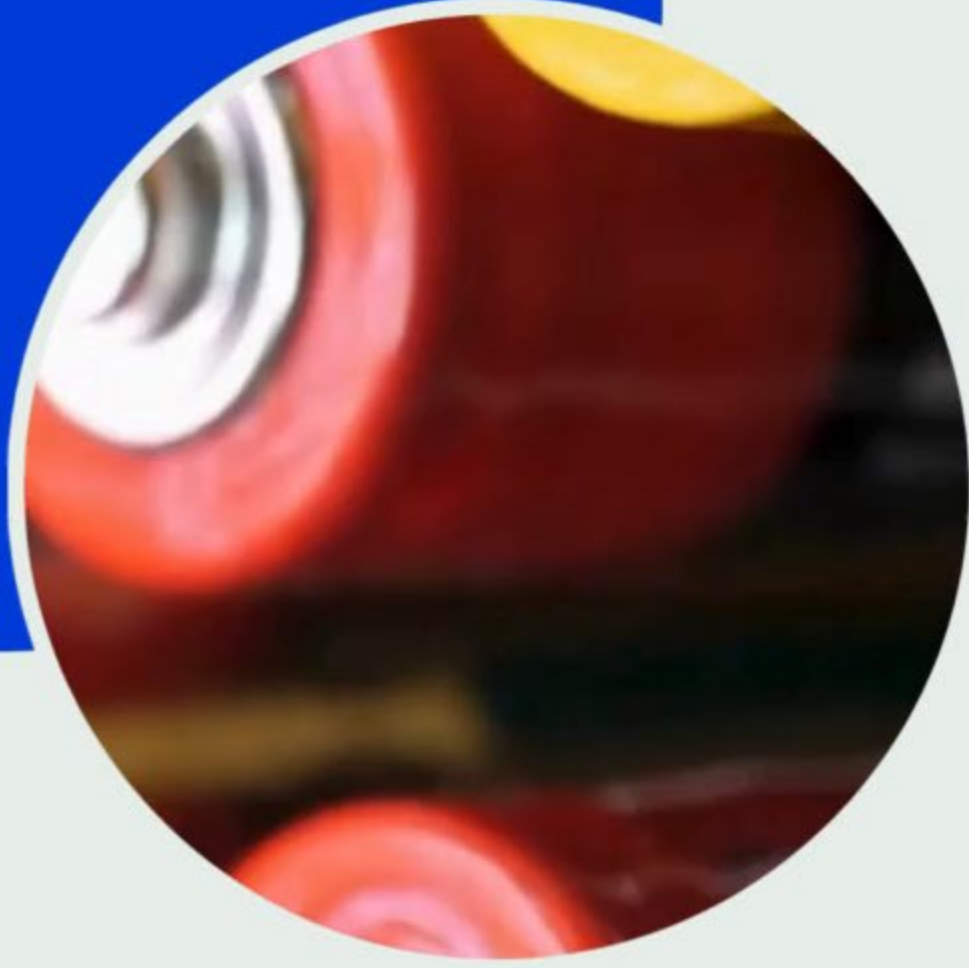


Responsible Battery Recycling Act

Stewardship program to collect and recycle loose batteries

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- Rulemaking feedback welcome
 - Email written comments:
 - regulations@calrecycle.ca.gov
 - Deadline: July 25, 2024



Reusable Beverage Containers Infrastructure Grant Program

CRV glass container deposit-return system

- \$25 million dollars for infrastructure and start-up costs

Eligible grant applicants include:

- Local governments
- Nonprofit organizations
- Qualifying Tribal Entities
- Private, for-profit entities

Applications due: October 2024

Awards announcements: December 2024



Beverage Container Quality Infrastructure Grant Program

Clean streams of drop-off and curbside collection CRV material

- \$50 million for infrastructure grants.
- Each project eligible for up to \$10 million

Applications due: October 2024

Award announcements: December 2024



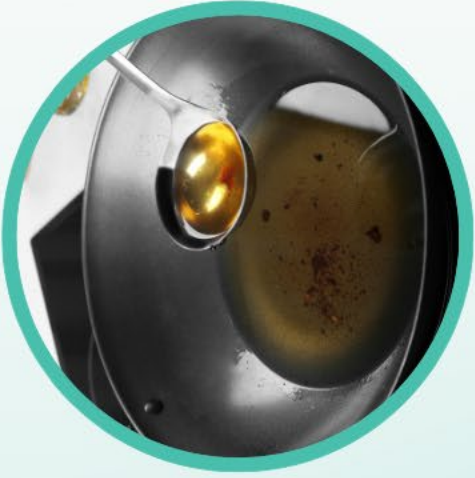
Beverage Container Recycling Grant Program

\$3 million to recycle more beverage containers

- Two upcoming grant cycles
- Eligible applicants include:
 - Qualifying tribal entities
 - Local governments
 - Schools
 - Non-profits
 - Special districts and
 - Joint Powers Authorities

More information linked to today's agenda





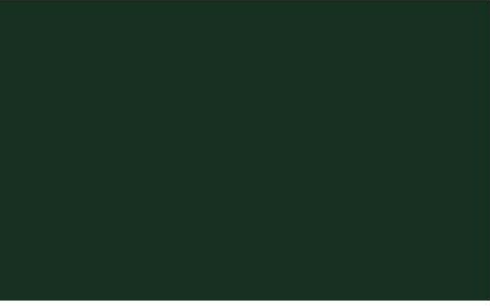
Household Hazardous Waste Grant Program

- \$1.5 million for local collection programs
- Same eligibility criteria for projects



Local Gov't Waste Tire Cleanup Grant Program

- \$1.25 million awarded to 14 grant recipients
- For waste tire cleanup on private property and public roads



Farm & Ranch Grant Program

143

\$730,000 awarded to 6 applicants

- Shasta County - \$200,000
- Stanislaus County - \$139,194
- Sutter County Regional Conservation District - \$108,969
- Yolo County - \$50,000
- Yuba County Regional Conservation District - \$44,465
- Trinity County (Partially Funded) - \$189,243

Local Enforcement Agency Grant Program Updates

\$1.4 million for 59 Local Enforcement Agencies

- For local solid waste facilities
- permit and inspection programs
- Two applicants provide services in the border region



PaintCare's Calendar Year 2023 Annual Report

- **May 2024:** CalRecycle received PaintCare's 2023 Annual Report
- **August 2024:** CalRecycle's director must adopt a finding of compliance, noncompliance, or conditional approval for the Annual Report

California Paint Stewardship Program *PaintCare*



California's Carpet Stewardship Program

Carpet America Recovery Effort (CARE)

CARE's Revised Contingency Plan Amendment

- **June 2024:** CalRecycle received CARE's revised plan amendment
- **August 2024:** CalRecycle must approve, conditionally approve, or disapprove the revised plan amendment



Five-Year Review Report for the Countywide/Regional Agency Integrated Waste Management Plan

- Mendocino County and Sierra County Regional Agency submitted Five-Year Review Reports
 - No Revisions at this time
 - Plans approved



Facility Permit Updates

1. US Borax, Inc - Gangue/Refuse Waste Pile - Boron Operations, Solid Waste Disposal Site, located at 14486 Borax Road, Boron, CA 93516, Kern County, Modified Solid Waste Facilities Permit, Action Needed December 31, 2024
2. Cemex Black Mountain Quarry Plant EMSW Conversion Facility, located at 25220 Black Mountain Quarry Road, Apple Valley, CA 92307, San Bernardino County, New Solid Waste Facilities Permit, Action Needed July 13, 2024
3. Victor Valley Materials Recovery Facility and Transfer Station, located at 17000 Abbey Lane, Victorville, CA 92394, San Bernardino County, Revised Solid Waste Facilities Permit, Action Needed July 30, 2024
4. Rubicon Logistics, Inc., located 6801 McComber Street, Sacramento 95828, New Minor Waste Tire Facility Permit, Action Needed December 7, 2024
5. Del Norte Regional Recycling and Transfer Station, located at 111 S. Del Norte Blvd, Oxnard, CA 93030, Ventura County, Modified Solid Waste Facilities Permit, Action Needed August 23, 2024

Unified Program Newsletter – June 2024

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State Water Board

Paperless Report 6 Discrepancies

Currently, 77 Unified Program Agencies (UPAs) have been approved to submit the Semiannual Underground Storage Tank (UST) Program Report (Report 6) through paperless reporting. The State Water Resources Control Board (State Water Board) evaluates the California Environmental Reporting System (CERS) data of each UPA requesting paperless reporting for accuracy and completeness prior to approval. The paperless reporting approval is provided with the understanding that the information entered in CERS and included as part of the Report 6 is accurate in UST and inspection count, and Technical Compliance Rate (TCR) performance measures. With each report, the UPA certifies with the paperless Report 6 submittal that the data in CERS was verified for accuracy for that reporting period. Inaccurate data in CERS negatively impacts the State Water Board's required reporting to the United States Environmental Protection Agency.

The July-December 2023 Report 6 submittals found 43% of paperless reports had data discrepancies. UPAs providing incorrect data as part of the Report 6 submittal will be returned to the UPA for correction and considered late if the corrections are provided after the March 1 or September 1 deadlines. Report 6 discrepancies and late submissions are reviewed as part of the UPA evaluation. UPAs that had paperless Report 6 discrepancies or late submissions of Report 6 should consider reviewing Local Guidance (LG) 164 and may reach out to State Water Board staff for training on performing CERS data quality reviews.

For additional information regarding paperless reporting and Report 6, contact: Magnolia Busse at (916) 341-5870, or Magnolia.Busse@waterboards.ca.gov. For data quality training, please contact: Kaitlin Cottrell at (916) 319-0742 or Kaitlin.Cottrell@waterboards.ca.gov.

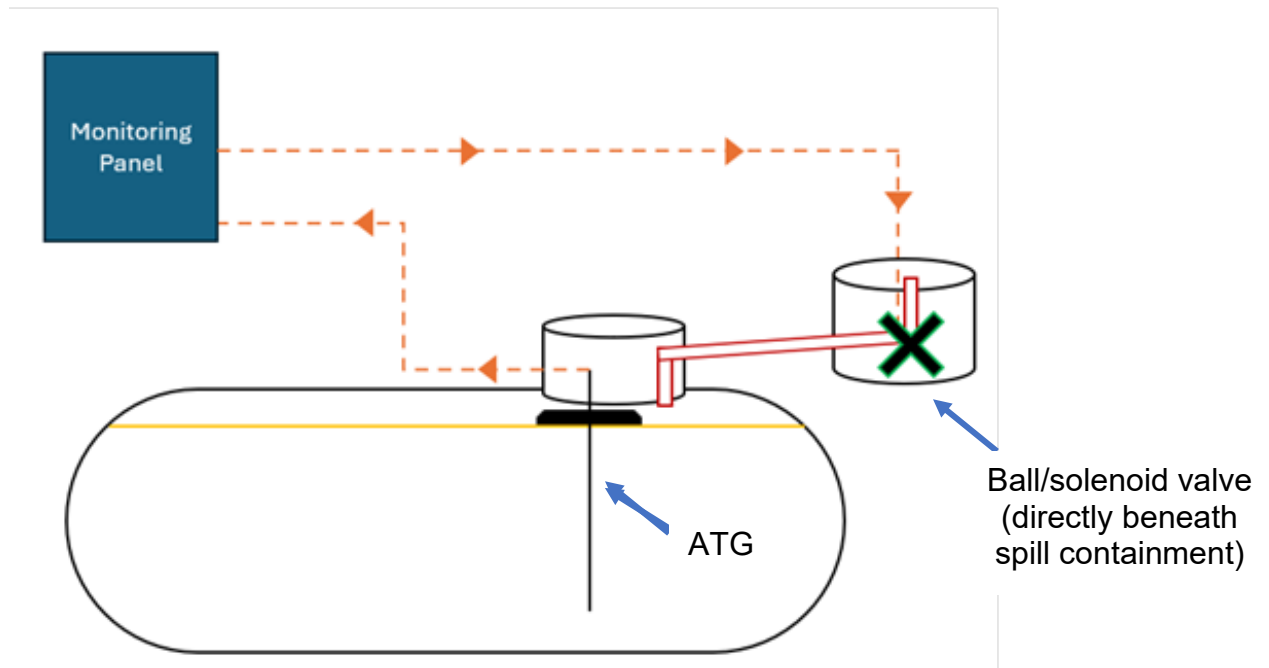
Overfill Prevention Equipment for Waste Oil USTs

The State Water Board has been asked to provide additional guidance on overfill prevention equipment (OPE) methods for waste oil USTs. As discussed in previous [monthly updates](#), using positive shut off OPE for waste oil USTs has been complicated due to problems associated with compatibility, flow rates, and removal of the drop tube to empty the waste oil tank. UPAs have asked the State Water Board if there are additional OPE methods available that meet the overfill prevention equipment requirement in California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), section 2635(c)(1)(c).

(https://www.waterboards.ca.gov/ust/cupa/updates/docs/2023/may2023_ust.pdf)

The most common waste oil OPE devices are shut off valves where a float arm lifts as fluid rises in the tank and closes a ball valve in the drop tube, stopping flow into the tank (positive shut off). These OPE devices do not work for all UST configurations, such as USTs with a remote fill or direct bury spill containment, and therefore may not meet the requirements of UST Regulations, section 2635(c)(1)(c).

Another OPE method for waste oil USTs combines the automatic tank gauge (ATG) with a ball or solenoid valve located directly beneath the spill container to shut off the flow to the tank when the tank is filled to 95 percent of capacity. The ATG activates at 95 percent or less tank volume and the monitoring panels sends a relay signal to close the automated ball or solenoid valve beneath the spill containment stopping flow into the tank. This method can be utilized by systems where the spill containment is located within a sump or aboveground, and is depicted in the diagram below:



For additional information regarding OPE for waste oil USTs, contact:
Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Designated UST Operator Visual Inspection

The State Water Board is aware of designated operators (DOs) prefilling the date for the owner or operator's signature in section VI of the DO visual inspection report. UST Regulations, section 2716(e)(2) requires that the owner or operator sign and date the report to acknowledge the results of the inspection.

While the DO may not be intentionally deceitful by prefilling the date, this does not meet UST Regulations, section 2716(e)(2) as the owner or operator is required to acknowledge the results of the DO inspection by signing and dating the report. Furthermore, it is a misrepresentation by the owner or operator if the date is added before or after the owner or operator signs the report. UPAs observing prefilled dates from the DO in section VI of the DO visual inspection report should cite this as a violation.

For additional information regarding DO visual inspection reports, contact:
Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

Office of Tank Tester Licensing Webpage Updates

The Office of Tank Tester Licensing (OTTL) has updated [LG-105](#) on the [OTTL website](#) to reflect the current list of State Water Board Licensed Tank Testers. In addition to LG-105, the OTTL website offers links to OTTL Regulations, OTTL testing notification forms, and LG-113. The OTTL website also provides licensing information for applicants and study materials for the exam.

(https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/105_12.html)

(https://www.waterboards.ca.gov/ust/tank_testers/)

For additional information regarding the OTTL website updates, contact:
Kaitlin Cottrell at (916) 319-0742 or Kaitlin.Cottrell@waterboards.ca.gov.

DTSC

Generator Improvements Rule

DTSC's Generator Improvements Rule (GIR) will become effective in California starting July 1, 2024.

GIR Regulatory Guidance Outreach:

- In preparation for the implementation of the GIR, the CUPA Training and Assistance Unit and the Policy Development Unit are developing a comprehensive Frequently Asked Questions (FAQ) webpage. This resource will be available by July 1st to help provide clarity on the new regulations.
- A Quick Reference Guide (QRG) template for large quantity generators along with its instructions are in development and will be available on July 1st on the California Environmental Reporting System (CERS) website.
- Both the FAQ webpage and a link to the QRG template will be posted on the DTSC website at <https://dtsc.ca.gov/generator-improvements-rule/>.
- Additional GIR training needs for the CUPAs and other stakeholders are currently being evaluated – stay tuned for details.

Contact Information:

- If you have questions about the GIR, please email to gir@dtsc.ca.gov.

Any training and assistance requests from CUPAs can be emailed to
dtsc_cupatrainers@dtsc.ca.gov.

DTSC's 2024 electronic Verification Questionnaire Report Cycle

DTSC's 2024 Hazardous Waste ID Number Verification Questionnaire report cycle is anticipated to open on July 9, 2024. The Verification Questionnaire is completed through the [electronic Verification Questionnaire \(eVQ\) System](#). The eVQ System provides a convenient way for hazardous waste handlers to complete the annual Verification Questionnaire to maintain the active status of their ID numbers.
(<https://evq.dtsc.ca.gov/Home.aspx>)

In this report cycle, DTSC has made enhancements to the eVQ System to collect more detailed business information and hazardous waste generation data at the hazardous waste ID number level. Hazardous waste handlers will have 60 days (versus 30 days in previous years) to complete the questionnaire due to these enhancements.

Initial notifications to ID number holders required to complete the questionnaire will be staggered to allow the Business Operations Unit to support the influx of telephone and email inquiries generated from the notifications. Please note, the 2024 eVQ cycle will be the last cycle where eVQ is launched in the summer. Beginning in 2025, the eVQ report cycle will be launched in the first quarter of each year.

To prepare for filing the eVQ, DTSC recommends filers gather their 2023 calendar year business records. Filers will need to verify or provide information on the waste generated at each site, including but not limited to, manifested waste, unmanifested waste, top waste streams, and the tonnage of any hazardous waste exempt from the [Generation and Handling Fee](https://dtsc.ca.gov/generation-and-handling-fee/).
(<https://dtsc.ca.gov/generation-and-handling-fee/>)

To assist hazardous waste handlers with completing eVQ, DTSC will be providing training materials on our website and hosting a Zoom webinar. See information below.

eVQ Webinar Information

Date: Wednesday, July 31, 2024

Time: 10 a.m. – 12 p.m.

Where: Zoom

To register for the webinar, go to the following link: https://dtsc-ca.gov.zoom.us/webinar/register/WN_un_XfeOeTsGuBfLx5VmGQQ

If you receive any questions from your stakeholders regarding the questionnaire, refer them to the information below.

Website: <https://evq.dtsc.ca.gov>

FAQ: <https://dtsc.ca.gov/hazardous-waste-id-number-verification-questionnaire/>

Email: eVQ@dtsc.ca.gov

Toll-free Number: 1-877-454-4012

Cal FIRE OSFM

Aboveground Petroleum Storage Act (APSA) Webinars

OSFM will be delivering its first series of APSA webinars on June 21 and 25, 2024. The June webinars will cover the same content on petroleum under APSA.

Use the link below to join the webinar on June 21 at 11:00 – 11:30 AM.

June 21 webinar via Microsoft Teams

(https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2F%2Fmeeting-join%2F19%253ameeting_MDNmODQ0Y2YtM2RhMi00ZTQ1LTIiNWUtYzg3ZTBiMWQyYzE5%2540thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522447a4ca0-5405-454d-ad68-

c98a520261f8%2522%252c%2522Oid%2522%253a%25224c029317-d40a-43a4-94e1-29052fad9b91%2522%257d&data=05%7C02%7CJennifer.Lorenzo%40fire.ca.gov%7C0ec4c32e4a78490fdad108dc7c452b98%7C447a4ca05405454dad68c98a520261f8%7C1%7C0%7C638521883727509972%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=4hbyFL4hLYMNAFm6ec8glqkd9O24XG69PSQr52HFCc%3D&reserved=0)

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Dial in by phone: +1 (650)-564-3271

Phone conference ID: 485 075 764#

Use the link below to join the webinar on June 25 at 3:30 – 4:00 PM.

June 25 webinar via Microsoft Teams

([https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2F%2Fmeetup-join%2F19%253ameeting_NzZIYzVjYzktN2E2OS00NTZhLWFkMmQtMTZkMDk1M2IxZDlx%2540thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522447a4ca0-5405-454d-ad68-](https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2F%2Fmeetup-join%2F19%253ameeting_NzZIYzVjYzktN2E2OS00NTZhLWFkMmQtMTZkMDk1M2IxZDlx%2540thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522447a4ca0-5405-454d-ad68-c98a520261f8%2522%252c%2522Oid%2522%253a%25224c029317-d40a-43a4-94e1-29052fad9b91%2522%257d&data=05%7C02%7CJennifer.Lorenzo%40fire.ca.gov%7C0ec4c32e4a78490fdad108dc7c452b98%7C447a4ca05405454dad68c98a520261f8%7C1%7C0%7C638521883727532025%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=loVMeH6lnXID9iiAX%2B3j3let6QN2UfqDIMSr3ko%2FzLc%3D&reserved=0))

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Dial in by phone: +1 (650)-564-3271

Phone conference ID: 804 343 705#

APSA State Surcharge

Question: Which facilities are required to pay the APSA state surcharge?

Answer: Each owner or operator of a tank facility who is regulated by the APSA Program, including conditionally exempt facilities (such as farms, nurseries, logging sites, or construction sites), are required to pay an APSA state surcharge to the CUPA.

The APSA state surcharge may be waived if a CUPA does not assess any single fee on a tank facility pursuant to the California Code of Regulations, Title 27, Section 15250(a)(3).

Question: Are federal facilities required to pay the APSA state surcharge?

Answer: Yes. Federal facilities that are APSA regulated are required to pay the APSA State surcharge as part of the single fee system, to the extent the fees qualify as “reasonable service charges” in 33 U.S. Code 1323.

APSA regulation of federal facilities is discussed in more detail in Section 2, Question 2.4 of the APSA Program Guidance Document, which is available on the OSFM APSA webpage at <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act>.

References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: cupa@calepa.ca.gov.

[CalEPA Unified Program Home Page](#)

Unified Program Newsletter – July 2024

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CalEPA

27 CCR Webinar Presentation

The PowerPoint presentation used during the 27 CCR webinar is available at:
<https://calepa.ca.gov/wp-content/uploads/sites/6/2024/06/California-Code-of-Regulations-title-27-Revised-Regulations.pdf>.

A copy of the webinar is also available on request at cupa@calepa.ca.gov.

Process for Federal Facilities Claiming Sovereign Immunity for the Hazardous Materials Business Plan Program and California Fire Code and Payment of Oversight Surcharge

In accordance with Unified Program Guidance Letter 21-01*, if a federal facility determines they “...are not legally authorized to expand the scope of sovereign immunity waivers beyond that which Congress has directed, which includes payment of fees.”, then CUPAs are not required to collect fees or surcharges. Additionally, CUPAs are not required to perform compliance inspections for the Hazardous Materials Business Plan (HMBP) or Hazardous Materials Management Plan/Hazardous Materials Inventory Statement (HMMP/HMIS) of the California Fire Code (CFC).

All federal facilities must submit a written declaration to the CUPA of their choice to not waive their sovereign immunity and therefore not pay local or state fees for the HMBP and the CFC. The written declaration must identify the name and address of the facility. If a federal department, submits a declaration of not waiving sovereign immunity for all facilities under their “umbrella”, the declaration must also include the name and address of all facilities covered under the declaration.

CUPAs are requested to send CalEPA all declarations already received using the Sovereign Immunity Form by email at CUPA@calepa.ca.gov with “Sovereign Immunity Form” as the Subject. The Unified Program Guidance Letter 21001 and the Sovereign Immunity form may be found on the CalEPA Unified Program website at: <https://calepa.ca.gov/cupa/publications/>

* CalEPA Legal office is currently reviewing the revised UP Guidance Letter 21-01.

If you have any questions or concerns, please contact John Paine at (916) 327-5092, or John.Paine@calepa.ca.gov or Steven Gailey at (916) 318-8197 or Steven.Gailey@calepa.ca.gov.

DTSC

Generator Improvements Rule

The Generator Improvements Rule (GIR) became effective in California starting July 1, 2024. The rule adopts federal hazardous waste requirements that are equivalent to or more stringent than California’s existing hazardous waste program. The rulemaking also reorganizes several sections and makes other conforming updates to align with the federal regulatory structure. For additional information regarding the GIR, follow the links below.

- [GIR information webpage](https://dtsc.ca.gov/generator-improvements-rule/)
(<https://dtsc.ca.gov/generator-improvements-rule/>)
- [GIR rulemaking webpage](https://dtsc.ca.gov/regs/gir/)
(<https://dtsc.ca.gov/regs/gir/>)
- [Regulatory crosswalk](https://dtsc.ca.gov/wp-content/uploads/sites/31/2024/06/DTSC-Crosswalk-Generator-Improvements-Rule-6.4.2024-2.pdf)
(<https://dtsc.ca.gov/wp-content/uploads/sites/31/2024/06/DTSC-Crosswalk-Generator-Improvements-Rule-6.4.2024-2.pdf>)
- [Frequently asked questions \(FAQ\)](https://dtsc.ca.gov/faqs-for-the-adoption-of-gir/) (Link can also be found on right-hand side in the Hazardous Waste Links of the GIR information webpage) – answers to questions you may have regarding GIR
(<https://dtsc.ca.gov/faqs-for-the-adoption-of-gir/>)
- [Quick Reference Guide \(QRG\)](https://dtsc.ca.gov/generator-improvements-rule/) template and instructions (towards the top of the GIR information webpage, look for the ‘template’ link) - note that the QRG is a new requirement for individual large quantity generators to have succinct information available for emergency responders in the event they need to be called out to address an emergency
(<https://dtsc.ca.gov/generator-improvements-rule/>)

Currently, DTSC is working on a system to disseminate large quantity generator closure notifications (using EPA form 8700-12) to Unified Program Agencies through the Hazardous Waste Tracking System. Stay tuned for further updates.

Additionally, the CUPA Training and Assistance Unit is developing GIR trainings, dates to be announced soon.

Cal FIRE OSFM

Aboveground Petroleum Storage Act (APSA) Program Guidance Document

The APSA Program Guidance document was revised. It is available on the OSFM [APSA webpage](https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act) (<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act>). A revision history is included in the guidance document.

APSA Tank Facilities

Question: Which facilities are subject to the requirements of the APSA Program?

Answer: A tank facility is subject to the APSA if any of the three conditions below apply:

- The tank facility is subject to the spill prevention, control, and countermeasure (SPCC) rule requirements in the Code of Federal Regulations, Title 40, Part 112.
- The tank facility has a total petroleum storage capacity in aboveground storage tanks of 1,320 gallons or more.
- The tank facility has a total petroleum storage capacity of less than 1,320 gallons but has one or more tanks in underground areas (TIUGA) that are not excluded consistent with the Health and Safety Code, Section 25270.3(c)(3) exceptions. When the total petroleum storage capacity is less than 1,320 gallons, the following TIUGAs are excluded: tanks storing heating oil, hydraulic fluid used in closed loop mechanical systems, or acting as a sump, separator, clarifier, catch basin or storm drain.

For more information, visit the OSFM APSA webpage on “Is My Facility Regulated Under APSA?” which may be found at <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/is-my-facility-regulated-under-the-aboveground-petroleum-storage-act>.

For more information on TIUGAs, visit the OSFM TIUGA webpage at <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga>.

APSA Webinars

OSFM presented the first in a series of short informative APSA webinars at the end of June. If you would like a copy of the presentation, email cupa@fire.ca.gov. OSFM will be offering more webinars on a variety of APSA topics soon.

References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: cupa@calepa.ca.gov. [CalEPA Unified Program Home Page](#)

Agenda Item VIII

ARTICLES OF INTEREST

DEEP DIVE

How California Treasurer Fiona Ma became ‘obsessed’ with waste and recycling

That obsession could affect the industry if Ma wins her bid for lieutenant governor. She has received backing from state waste companies over the years but has not always aligned with them on policy.

Published June 11, 2024 • Updated June 12, 2024

By Mary Catherine O'Connor

State Treasurer Fiona Ma speaking at the California Democratic Party State Convention at the George R. Moscone Convention Center in San Francisco on June 1, 2019. [The image](#) by Gage Skidmore is licensed under [CC BY-SA 2.0](#)

California State Treasurer Fiona Ma first became involved in the waste and recycling industry as a crime-fighter.

The certified public accountant joined politics in 2002 when she was elected to the San Francisco Board of Supervisors. After joining the California State Assembly in 2006, Ma proposed legislation that targeted theft rings related to metal scrapping and the state’s container redemption value program.

“People were turning in [municipal] bike racks, I mean, just crazy stuff,” she recalled. “They would just get the cash for it instantly

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Ma, who became treasurer in 2018, is seen as having an outsized interest in the waste and recycling industry. This focus has been a hallmark of her career. Over her past two decades in the public sector, Ma has remained involved in recycling policy and often posts photos of dropping off material with her dad at collection centers in her hometown of San Francisco. But her interest goes well beyond the state's CRV program.

She has become a familiar face at waste and recycling industry events and has also toured hundreds of waste facilities in California, as well as other parts of the U.S. and Canada. Ma proudly identifies as a "trashy lady" and advocates for women in the industry through the Women in Solid Waste & Recycling affinity group. She has been a frequent speaker at WasteExpo, the U.S. industry's largest event.

Ma is also outspoken on issues relating to plastic pollution and has urged the California Public Employees' Retirement System to divest from oil and gas companies that she considers bad actors. CalPERS recently cast its shareholder votes against the ExxonMobil board of directors because the oil giant is suing a group of activist investors. This friction is additionally relevant for recyclers as California's attorney general continues investigating ExxonMobil's work on plastics.

Now, Ma's sights are set on getting elected to the second-highest office in the Golden State. She faces a range of potential candidates for lieutenant governor, though only one who has officially declared so far, as well as possible legal headwinds. A former employee has sued Ma for alleged sexual harassment and discrimination. Ma denies these allegations and a trial is scheduled

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by KCRA in April. Ma has not been implicated directly.


If Ma wins her bid to become lieutenant governor in 2026, waste and recycling pundits said that the sector could benefit through potential policy action, more government funding, job growth and industry expansion. Ma could also use her influence to hold accountable haulers or other stakeholders who fail to advance sustainability efforts.

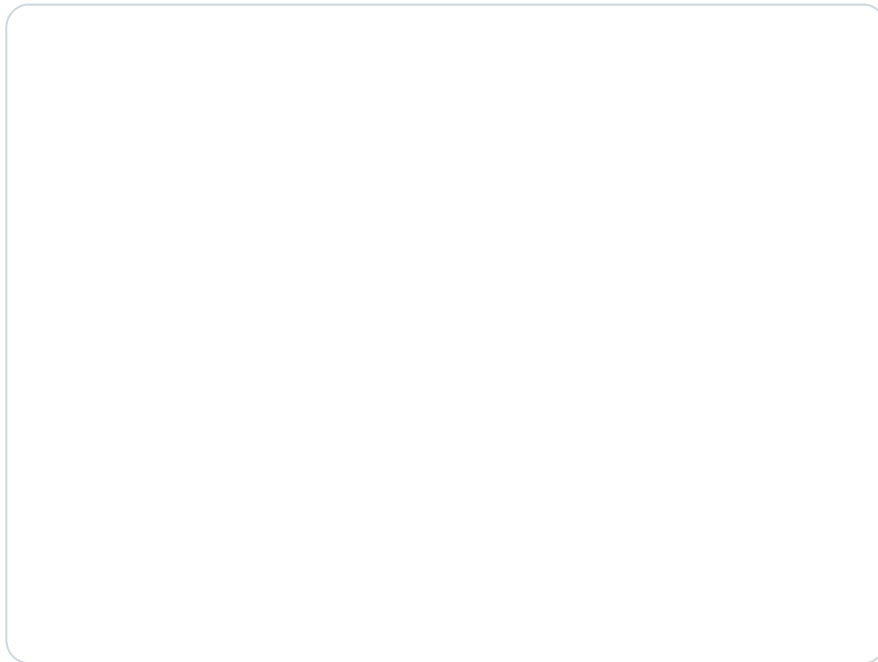
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Fiona Ma, CPA 

@fionama · [Follow](#)



Help save resources from landfills!  Join sfbottlebank.org for an innovative CRV program in San Francisco. BottleBank uses advanced tech to count bags and credit CRV automatically. Get your money back easily with BottleBank. "It pays to recycle" I received \$12 for these... [Show more](#)



10:41 AM · Feb 17, 2024 from San Francisco, CA



6



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County, where environmental groups advocated for limiting waste volumes from surrounding municipalities.

Ma said her goal was to ensure “that local governments could not pass individual ordinances that could supersede our waste management system,” because the system was designed to function on a regional rather than local level. She said doing so would amount to “waste discrimination.”



Fiona Ma campaigns for a position in the California State Assembly on Aug. 13, 2011.

The image by John Martinez Pavliga is licensed under [CC BY 2.0](#)

Rachel Oster — who was then the director of external affairs at Recology, became acquainted with Ma around this time.

Oster is also a co-founder of Women in Solid Waste & Recycling and now runs a consultancy. She, along with Erin Merrill, also formerly at Recology, and Tanner Kelly, Ma’s campaign manager,

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had to really dig into where each legislator's waste generated within their district, where it was going, and she saw that waste was ... a statewide concern," said Oster.

"That's when she started taking tours, going to different conferences to educate herself on these issues ... She really is an avid learner."

Those early tours were eye-openers for Ma. "Once you go on one tour, you're like, 'wow, I did not know this was so complicated,'" she said, noting the complexity of managing used batteries and textiles as examples.

Support, but not always alignment

The waste and recycling industry has recognized this advocacy by donating to many of Ma's campaigns. This includes major haulers such as Athens Services, Recology, Republic Services and Waste Connections, as well as the Resource Recovery Coalition of California PAC. Collectively, groups and individuals connected to the industry have donated at least \$200,000 to Ma over the years.

That said, there's not always alignment between Ma's positions and those of industry groups. For example, Ma said she supported a state bill introduced this year that would have made allowances for organizations to collect waste items (organic or non-organic) in jurisdictions where they do not hold franchise licenses, so long as the franchisee does not collect those items. The bill failed to advance.

The Resource Recovery Coalition of California, Republic, Recology,

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jeopardize public health by allowing “less experienced entities” to collect and handle food waste.

Supporters of the bill included startups and groups focused on waste reduction, including Ridwell and Divert. The Recycle Right Coalition, of which Ridwell and Divert are members, sponsored the bill and said it would clarify ambiguities around how and where consumers can direct materials for reuse or recycling.

Ma said she’s very encouraged by new market entrants that are developing ways to address food insecurity and the climate effects of organic waste via edible food recovery and recycling. But, she added, those companies have to compete with others who may be less apt to prioritize such options due to their business models. “So that’s what I’m really focused on right now is how and who can keep resources out of the landfills,” she said.

Waste Dive reached out to two individuals familiar with Fiona Ma at waste haulers that are part of the RRCC. One declined an interview request, stating that their role precludes commenting on elected officials. The other was unavailable due to a paid leave.

Despite any tension that exists around the evolution of collection franchises in the state, Ma still has plenty of allies.

Ma gave a keynote address at last year’s annual summit of the California Resource Recovery Association. Afterward, Heidi Sanborn, former director of the California Product Stewardship Council and current head of the National Stewardship Action Council, said this about Ma’s campaign: “We need someone like her in these higher offices. That’s how we’re going to get access and



Halo Glass Recycling built a cutting-edge glass processing facility in Modesto, CA, converting glass from buy-back centers and Material Recovery Facilities into color-sorted, furnace-ready cullet for the glass container industry. Located near Gallo Glass, the largest US glass... [Show more](#)



12



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When China began enforcing its National Sword policy, Ma (who at that time was on the California Board of Equalization) said

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She turned to her friend Jay Hansen, who runs a nonprofit called the California Foundation on the Environment and the Economy. CFEE works with legislators and regulators to advocate for issues such as energy and transportation. CFEE started doing work related to recycling and circularity. This included running tours to cities outside California to show lawmakers, waste associations and other stakeholders how recycling innovations were being rolled out elsewhere.

It was on one of these trips that Doug Kobold, executive director of the California Product Stewardship Council, first met Ma.

Having her there, along with local legislators and industry stakeholders, with “boots on the ground at these study trips,” makes a real impact, he said. “They can see and understand what actually works in the field.”

That’s especially important for someone like Ma who can influence spending toward new innovations or pilot programs with the greatest potential to address industry gaps and create job opportunities.

“For every job you eliminate at a landfill, you’re adding four or five more jobs in the recycling industry,” Kobold said, adding that he hopes Ma could be a champion of growing the state’s recycling infrastructure — especially if she becomes lieutenant governor.

Kobold acknowledged the steep regulatory hurdles to building infrastructure in the Golden State, due to California’s stringent permitting and environmental review processes. But he thinks Ma could help support more investment.

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California than it does to just go over to Nevada or down to Arizona, or even out to Texas, which has been happening.”

As treasurer, Ma directs a tax-exempt bond financing program through the California Pollution Control Financing Authority. Ma said many applicants are often deploying technology to convert methane into energy, for example, and she emphasized accountability.

“I go and do tours, you know, after they are awarded, to make sure they’re actually doing what [they describe] in their application,” she said.

“Treasurer Ma is the first constitutional officer in California that has cared so deeply about efficiently using resources and using her office to finance businesses that advance an equitable, circular economy,” said NSAC’s Sanborn in a statement.

Oster also expects Ma to continue being influential around policy, regardless of whether she becomes lieutenant governor.

“She believes that the solid waste and recycling industry is the key to achieving a circular economy,” said Oster. “[S]he’s very supportive of those progressive policies like producer responsibility, like mandatory organics. I think she sees a real opportunity that with this shifting industry comes potential investment, which means more jobs, more infrastructure in the state.”

Editor’s note: This story has been updated with more context about competition in the 2026 lieutenant governor race and prior reporting by KCRA.

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Diminishing returns: California's unclaimed bottle deposits hit \$820M as recyclin...



Diminishing returns: California's unclaimed bottle deposits hit \$820M as recycling centers close

By [Scott Rodd](#) / Investigative Reporter

Published June 20, 2024 at 11:54 AM PDT



LISTEN • 5:05

Old transformers. Junky refrigerators. Outdated medical equipment.

Sergio Perez has seen it all come through SA Recycling in Barrio Logan.

“I like it because every single day is different,” Perez said, general manager at the recycling center. “Maybe you’re going to receive a lot of aluminum. Maybe you’re going to receive a lot of copper tomorrow.”

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What he doesn’t see much of these days are bottles and cans. That’s because this SA Recycling location no longer participates in California’s bottle return program — the one that pays out a nickel or dime in exchange for returned beverage containers.

The program wasn’t very profitable to begin with for SA Recycling. And then neighbors began complaining about the growing number of homeless people milling outside the business and allegedly discarding trash around the neighborhood.

“We tried to work with the city” to find a solution, Perez said. “But it is not working.”

So SA Recycling dropped out of the bottle return program altogether.

Their decision reflects a broader trend across California. Over the last decade, the state lost half of its bottle return recycling centers — there are currently fewer than 1,300 statewide. During that time, San Diego County lost nearly two-thirds of its recycling centers.

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Scott Rodd / KPBS

A sign outside SA Recycling on June 12, 2024.

Many of these locations simply closed down. And as recycling centers dwindled, the state's recycling rate also dropped. The environmental consequences are alarming: Fewer recycling centers means more cans and bottles in landfills, along roadways and on beaches.

There's also a financial impact. Many people on the bottom rung of the economic ladder need the money they get from bottle returns. Fewer recycling locations means fewer opportunities to get back those nickels and dimes.

All that spare change — from Humboldt County down to San Diego — adds up. The amount of unclaimed money sitting in the state's beverage container fund has ballooned in recent years, from about **\$219 million in 2014** to a staggering **\$819 million last year**.

CalRecycle, the department that oversees the state's recycling system, spends millions of dollars from the fund every year to cover administrative costs and assist recyclers.

But the fund has also become a piggy bank for state leaders when budgets are tight. A KPBS review of state financial records found California has borrowed billions of dollars from the fund in the last two decades — in the form of short- and long-term loans — to buoy its general fund.

It can take years to repay the loans, and at times the borrowing has strained the recycling fund.

“Consumers have been putting more money into this fund and not being able to get it back out,” said Susan Collins, president of the California-based Container Recycling Institute. “Which turns their deposit effectively into a tax.”

CalRecycle declined multiple interview requests. In an email, department spokesperson Lance Klug said the state plans to use unclaimed deposit money to transform how people return their bottles and cans, as new regulations are set to take effect next year.

“Unredeemed beverage container deposits are intended to be returned to Californians and to support recycling,” Klug wrote. “These reforms are designed to increase access to recycling and increase opportunities for consumers to receive (their bottle deposits).”

Recycling centers shut down

California passed its Bottle Bill in 1986, establishing the state’s bottle return system.

The goal of the program is straightforward. Charge consumers a deposit of five or 10 cents — depending on the size of the container — every time they purchase a beverage. The state then returns the money when a bottle or can is brought to a recycler.

“That creates an incentive to recycle, and it’s a really powerful incentive that gets people to bring back containers,” Collins said.



Scott Rodd / KPBS

Baled aluminum cans in this image taken on June 12, 2024 in San Diego County, Calif.

Since the late 1980s, California has collected approximately 500 billion bottles and cans.

Under the program, CalRecycle set an ambitious 80% recycling rate goal. That means recapturing eight out of every 10 cans and bottles purchased in California, either through recycling centers or blue-bin curbside programs.

In the first decade of the 2000s, new recycling centers sprung up all over the state. Some were large facilities that processed more than half a million bottles and cans every month. Others were small vendors, often located near grocery stores.

As a result, California's beverage container recycling rate [increased](#) from 55% in 2003 to 82% in 2009. The recycling rate remained at or above the state's 80% target over the next seven years.

But a troubling trend soon took hold. Recycling centers — [big](#) and [small](#) — began shutting down.

In 2014, there were 2,604 recycling centers statewide; today, there are 1,286. The number of recycling centers in San Diego County dropped from 154 to 59 during that time.



Recycling centers in California

The number of bottle return recycling centers in California has dropped by more than half over the last decade. The decline is due in part to financial woes, complications from the pandemic and pressure from neighbors who don't want recycling centers in their area.

Klug from CalRecycle pointed to market conditions as one explanation.

“Recycling centers face significant price fluctuations” for recycled materials, he wrote in his email. “State subsidy payments to recyclers are determined by formulas defined by law, and often do not make up for changing market conditions.”

Klug added that more beverages are being sold in plastic bottles, which have substantially lower scrap value than aluminum cans. He also said the pandemic took a toll on many recycling businesses.

With fewer places to return bottles and cans, California's recycling rate dropped to 68% percent in 2020 and 2021. Last year, it rebounded slightly to 71%.

According to an analysis from the advocacy group Californians Against Waste, the recycling rate in San Diego County hit a dismal 57% in 2022.

Unclaimed deposits top \$800 million

Unclaimed deposits from unreturned containers go into the state's Beverage Recycling Container Fund.

The fund is supposed to help support recycling centers, reduce litter and provide grants for new recycling initiatives. Every year, tens of millions of dollars from the fund are also spent on administrative costs at CalRecycle, including salaries for some employees and executives.

The exact amount in the fund is hard to pin down, in part because CalRecycle has not released a semi-annual report on the fund — which is required by state law — [in more than two years](#).

The department has also reported dramatically different fund balances in different state filings.

Last year, the state budget put the fund at [\\$538 million](#). In recent weeks, however, the Department of Finance confirmed the fund actually stood at nearly \$820 million.

Collins said this is a problem.

"The excess growth in the fund is the result of a program that isn't serving consumers as well as it should be," she said.

Recent budget documents estimate the fund is at around \$328 million right now, but Collins said the number is unreliable and will likely be adjusted upward in the coming months.

A flush balance is a good thing for most state funds — but the beverage container fund is different.

Too much money in the fund means consumers aren't getting back their deposits, recyclers aren't getting paid by the state to process the recycling, and fewer bottles

and cans are being turned into new containers.

Billions borrowed to plug budget holes

An overflowing recycling fund also invites borrowing by state leaders during lean budget years.

Between 2002 and 2010, CalRecycle [documents](#) show the state took out \$459 million in loans to help plug holes in the general fund. (The Department of Finance recently told KPBS the borrowing was closer to \$300 million, but couldn't explain the discrepancy.)

It often took years — sometimes a decade or more — to repay these loans.

In 2009, a group of recyclers — including ones from San Diego — sued the state. They alleged the loans left the bottle deposit fund insolvent and led to reduced payments to recyclers, which had “disastrous consequences.”

While the recycling companies [lost the case](#) — and some later shut down or left the state — a 2010 [report](#) from the nonpartisan Legislative Analyst's Office found the recycling fund had a \$157 million deficit, and cited the loans as a primary cause.

Lawmakers around this time took heed. They passed a [law](#) that discouraged future borrowing from the recycling fund.

“The Legislature finds and declares that the maintenance of the fund is of the utmost importance to the state and that it is essential that any money in the fund be used solely for the purposes authorized in this division and should not be used, loaned, or transferred for any other purpose,” the legislation stated.



Plastic bottles pile up on Aug. 26, 2019 at the Miramar Recycling Center.

But it had no teeth, and the borrowing continued. Much of it was in the form of short-term loans to help the state cover cash management shortfalls. The loans — repaid after several days or several months — [totaled more than \\$3 billion](#) between 2013 and 2021.

While the state hasn't taken out any short term loans since then, it did borrow another \$100 million last year in a longer-term loan "[to assist in closing the \(state's\) projected shortfall.](#)" California is currently staring down [a budget deficit north of \\$25 billion.](#)

Earlier this year, Gov. Gavin Newsom had proposed another \$125 million loan from the fund.

The State Controller's Office and Department of Finance said the borrowing from the fund is allowed under state law. But the practice is again being scrutinized by state lawmakers.

"If we're going to do this, we have to be very clear about the integrity of this fund," said Sen. Ben Allen at a budget subcommittee [hearing](#) in February. "This was money that was explicitly collected from consumers for the purpose of improving our recycling rates."

The Department of Finance told lawmakers it has since repaid the \$100 million loan from last year and [recently nixed](#) the planned \$125 million loan.

A new way forward

Lawmakers in 2022 passed [SB 1013](#), which re-envisioned the state's bottle recycling infrastructure. Some small changes — such as applying bottle deposits to wine and liquor containers — have already taken effect. But the most substantial changes will happen starting next year.

Currently, residents in areas without a recycling center are supposed to have the option of returning their bottles and cans to retailers, including grocery stores, convenience stores and gas stations. The stores are supposed to be the recyclers of last resort.



Rich Pedroncelli / AP

In this July 5, 2016 file photo, cans and plastic bottles brought in for recycling are seen at a recycling center in Sacramento, Calif.

But this is often a surprise to consumers. Few retailers advertise this option. Many simply don't participate, even though it's required by law. One [review](#) of Los Angeles-area retailers found two-thirds of them refused to take bottle returns.

Starting next year, the requirements for retailers will get an overhaul.

Retailers in more areas of the state will have to participate in the program. If they don't want to accept cans and bottles at their stores, they can pool resources and open a "dealer cooperative" — essentially, a quasi-recycling center that meets the needs of an underserved area.

However, stores under 5,000 square feet, or with less than \$1.5 million in sales, will be exempt.

Additionally, eligible retailers will no longer have an option of paying an opt-out penalty in lieu of participating. They'll have to accept bottle returns, or else face steep fines.

Sen. Toni Atkins of San Diego authored the bill. She declined multiple interview requests through a spokesperson.

"Bolstered by the strong support of the wine and spirits industries, along with environmental groups and local governments, this measure tackles some of the challenges our recycling programs face," Atkins said in a written statement.

Recycling advocates agree the recycling system needs an overhaul, but some are lukewarm on the changes under SB 1013.

The Container Recycling Institute [warned](#) the new programs and investments could cost nearly \$900 million in the coming years.

“If everything was fully implemented,” Collins said, “then we’d have a brand new problem on our hands — the (bottle deposit) fund would basically be oversubscribed. Which could lead to the collapse of the whole program.”

And things would only get worse if state leaders continue to draw substantial loans from the fund, Collins noted.

“It’s like, I’ve seen this movie before,” she said, referring to the fund’s deficit over a decade ago.

Mark Murray, executive director of Californians Against Waste, said he isn’t as concerned about the loans from the fund. But he is worried about what’s prioritized under SB 1013.

He and other advocates have voiced concerns that too much money is being put into new and novel recycling initiatives — such as mobile recycling pilot programs — and not enough is being dedicated to the traditional recycling centers that helped boost the recycling rate above 80% in years past.

He said a wiser investment would be more subsidies to those traditional recyclers. Assistance of \$2,500 a month, for example, would help keep a small recycling center afloat.

“For that small investment over the next three-to-five years, we could have the 400-to-500 community-based recycling centers we need,” he said.

The solution to California’s recycling problem, he argued, is clear. You just have to look back 10 years.

Diminishing returns: California’s unclaimed bottle deposits hit \$820M as recycling centers close

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Scott Rodd

As a member of the KPBS I-Team, I hold San Diego's powerful accountable and examine the intersection of state and local government.

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California could establish first-of-its-kind textile recycling program

The Responsible Textile Recovery Act is set to be heard in the Legislature this summer

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[BEYOND PLASTIC](#)

JUNE 28, 2024



Fiona Hines

Legislative Advocate, CALPIRG

At the start of the legislative cycle last year, a bill was introduced that would require clothing and textile companies to create and fund a statewide textile recycling program. Introduced by Senator Newman, the Responsible Textile Recovery Act (SB 707) will be heard in the State Assembly in the coming weeks. If approved, the bill would establish an unprecedented extended producer responsibility (EPR) program for textiles, the first in the United States and the strongest in the world.

Fashion and textile waste is a mounting problem

The fashion industry contributes [high carbon emissions](#), [extensive plastic waste issues](#), and a [pervasive spread of toxins](#) to the global environment. About [10% of total global emissions come from the fashion industry](#) – more than aviation and shipping combined. [One dump truck](#) of clothing and textile waste is sent to a landfill or incinerator every second. While decomposing, textiles emit methane gas, a key contributor to global warming.

Because so much clothing is made of plastic, as clothes break down, they become tiny fibers of plastic, known as plastic microfibers. [More than half a million tons of plastic microfibers](#) are dumped into the ocean each year, adding up to the equivalent of 50 billion plastic bottles. A NOAA study of sediments collected from 37 U.S. National Park beaches found that [microfibers constituted 97% of beach debris](#). These microfibers can't be taken out of the water. Instead, their toxins [spread throughout the food chain](#) and end up in our bodies.

California contributes to this massive waste issue, disposing of [1.2 million tons of textiles](#) each year. Textile waste is [the fifth-most common material](#) in California's landfills. Despite clothing companies' responsibility for originating these harms, the costs of dealing with them have fallen on taxpayers. In 2021 alone, California taxpayers spent more than [\\$70 million dollars](#) disposing of used textiles.

The Responsible Textile Recovery Act will hold clothing companies accountable

The Responsible Textile Recovery Act (SB 707) would help fix this problem by requiring clothing companies to create and fund a program to collect, transport, sort, repair, and recycle textile waste. The program would use California's network of thrift and secondhand businesses to help make this happen. Companies that do not contribute to this program will not be able to sell their clothes in the state.

Importantly, the bill shifts the costs of clothing waste management from the state to the companies. Now forced to pay for their waste, clothing companies will be more conscious of their output. This bill will help reduce the fast fashion overproduction cycle and ensure more clothing is recycled instead of landfilled.

Will you join us in calling for a clothing recycling program?

We need apparel companies to end overproduction and move towards a system where we re-wear, reuse, repair, and recycle our clothes. This landmark program will help advance this goal, and it will be voted on this summer. Tell the Legislature you support the Responsible Textile Recovery Act by signing our petition.



Tell state lawmakers: Reduce clothing waste

Clothing overproduction is poisoning our water, contributing to climate change, and generating enough waste to fill the Great Wall of China twice by 2050. California has an opportunity to be a leader in tackling our clothing waste problem. Tell your state Assemblymember to vote yes on the Responsible Textile Recovery Act.

[SIGN OUR PETITION](#)

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AUTHORS

Fiona Hines

Legislative Advocate, CALPIRG

Fiona supports CALPIRG's advocacy efforts across the state, leading campaigns to reduce plastic waste and protect public health. Fiona lives in Los Angeles, where she enjoys spending time in the sunshine and seeing live music.

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THE CALIFORNIA REPORT

California Recycling Centers Are Dwindling



By Keith Mizuguchi Jun 24

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Plastic bottles pile up on Aug. 26, 2019 at the Miramar Recycling Center. (Andrew Bower/KPBS)

Here are the morning's top stories on Monday, June 24, 2024...

- Recycling centers have been shutting down across California for years. That means fewer opportunities for people to recycle their bottles and cans, and get back their deposits. And according to [an investigation from KPBS](#), the state is sitting on hundreds of millions of dollars in unclaimed bottle deposits.
- State leaders announced they've reached [a deal on the state budget](#). The deal involves \$300 billion in expenditures, while filling a nearly \$47 billion budget deficit. It also proposes to use more than \$12 billion from the state's rainy day fund over the next two years to help shore up the deficit.

Diminishing Returns: California's Unclaimed Bottle Deposits Hit \$820M As Recycling Centers Close

Over the last decade, the state lost half of its bottle return recycling centers — there are currently fewer than 1,300 statewide.

Many of these locations simply closed down. And as recycling centers dwindled, the state's recycling rate also dropped. The environmental consequences are alarming: Fewer recycling centers means more cans and bottles in landfills, along roadways and on beaches.

There's also a financial impact. Many people on the bottom rung of the economic ladder need the money they get from bottle returns. Fewer recycling locations means fewer opportunities to get back those nickels and dimes.

All that spare change — from Humboldt County down to San Diego — adds up. The amount of unclaimed money sitting in the state's beverage container fund has ballooned in recent years, from about [\\$219 million in 2014](#) to a staggering [\\$819 million last year](#).

State Leaders Announce Budget Deal

State leaders announced Saturday they've reached [a deal on the state budget](#).

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The deal reached between the legislators and Governor Gavin Newsom involves \$300 billion in expenditures while filling in a \$46.8 billion budget deficit. That includes pulling \$12.2 billion from the state's rainy day fund over the next two years while seeking a constitutional amendment in 2026 to grow the surplus fund.

The deal includes a nearly 8% reduction in nearly all state department budgets—in all categories, from personnel and contracting to not filling vacant positions—to save the general fund over \$2 billion.

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SUNDAY MORNING

Critics call out plastics industry over "fraud of plastic recycling"



By Ben Tracy

Updated on: June 28, 2024 / 8:37 PM EDT / CBS News

Jan Dell is a former chemical engineer who has spent years telling an inconvenient truth about plastics. "So many people, they see the recyclable label, and they put it in the recycle bin," she said. "But the vast majority of plastics are not recycled."

About 48 million tons of plastic waste is generated in the U.S. each year; only 5 to 6 percent of it is actually recycled, according to the Department of Energy. The rest ends up in landfills or is burned.



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to fight plastic pollution. Inside her garage in Southern California, Dell has rows of plastic bottles and containers on shelves. She points to the recycling symbols on them that make us think they can be recycled. But, she

on plastic products in 1988, part of a push to convince consumers that plastic can be recycled.

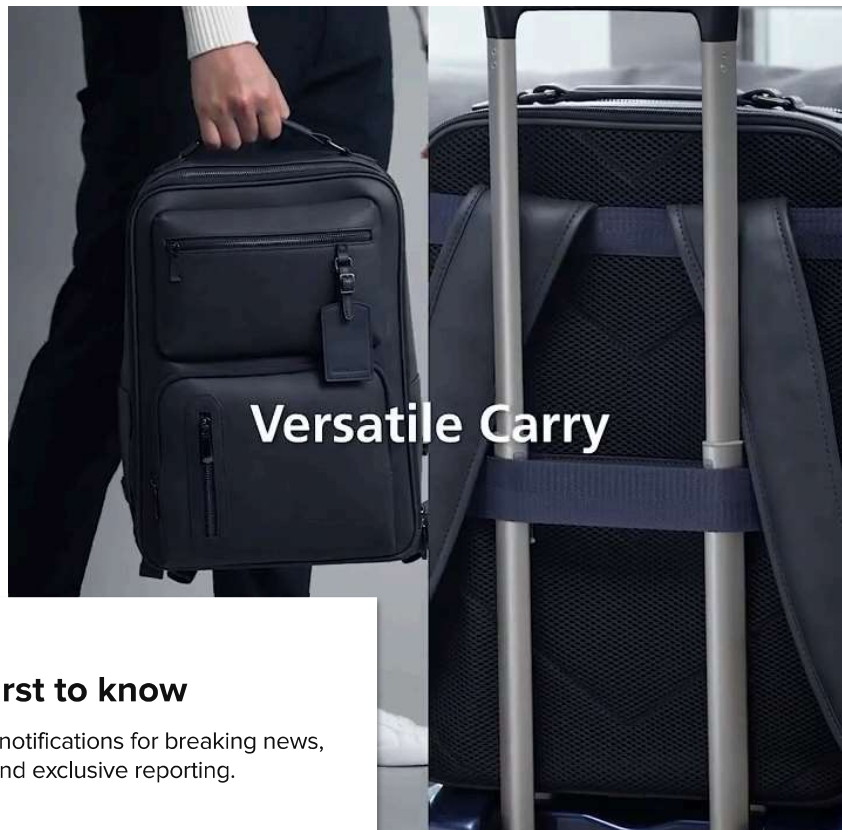
IT'S ABOUT MOBILITY



CBS NEWS

Davis Allen, an investigative researcher with the Center for Climate Integrity, said the industry didn't need for recycling to work: "They needed people to *believe* that it was working," he said.

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g," accuses the plastics industry of a decades-long campaign "...to mislead the public about the viability of plastic recycling," despite knowing the "technical

and economic limitations that make plastics unrecyclable" at a large scale.

"They couldn't ever lie about the existence of plastic waste," said Allen. "But they created a lie about how we could solve it, and that was recycling."

Tracy asked, "If plastic recycling is technically difficult, if it doesn't make a whole lot of economic sense, why has the plastics industry pushed it?"

"The plastics industry understands that selling recycling sells plastic, and they'll say pretty much whatever they need to say to continue doing that," Allen replied. "That's how they make money."

Plastic is made from oil and gas, and comes in thousands of varieties, most of which cannot be recycled together. But in the 1980s, when some municipalities moved to ban plastic products, the industry began promoting the idea of recycling as a solution.

Allen showed us documents and meeting notes they obtained from public archives, and from a former staff member of the American Plastics Council. "What we see in here is a widespread knowledge that plastics recycling was not working," he said.

At a trade conference in Florida in 1989, an industry leader told attendees, "Recycling cannot go on indefinitely, and does not solve the solid waste problem."

In 1994 an Exxon executive told the staff of the plastics council that when it comes to recycling, "We are committed to the activities but not committed to the results."

Allen said, "They always kind of viewed recycling not as a real technical problem that they needed to solve but as a public relations problem."

The industry just launched a new ad campaign, called "Recycling is real," and says it's investing in what it calls advanced recycling technology.



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le group, responded to "CBS Sunday Morning" in a report "flawed" and "outdated," and says "plastic makers are made and recycled."



Jan Dell doesn't believe plastic will ever be truly recyclable: "It's the same process they were trying 30 years ago, and my response to that is, it's science fiction," she said.

Plastic production is set to triple by 2050, and with so much plastic waste piling up on land and sea, more than 170 countries are working on a United Nations treaty to end plastic pollution.

- [U.N. taking first step toward "historic" treaty on pollution from plastics, including "epidemic" of plastic trash](#)

In a letter to President Biden about the negotiations, the plastics industry says it opposes any bans on plastic production, but supports more recycling.

To which Dell says, "The only thing the plastics industry has actually recycled is their lies over and over again."

For more info:

- [Davis Allen, Center for Climate Integrity](#)
- [Report: "The Fraud of Plastic Recycling" \(Center for Climate Integrity\)](#)
- [Jan Dell, founder, The Last Beach Cleanup](#)
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EPA Takes Sweeping Actions to Regulate PFAS, California Makes Targeted Moves

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As Americans are becoming increasingly aware, per- and polyfluoroalkyl substances (PFAS) are a class of thousands of manufactured chemicals that have been used in industry and consumer products since the 1940s. PFAS have unique physical and chemical properties and are colloquially termed “forever chemicals” for their ability to persist in the environment and bioaccumulate in humans and animals. In response to research indicating that PFAS can cause adverse human health and environmental effects, the U.S. Environmental Protection Agency (EPA) has undertaken a “whole-of-agency” approach to addressing PFAS contamination, which is focused on restricting dispersion, remediating contamination, and investing in research on PFAS risks and removal technologies.

In April 2024, EPA finalized two rules that represent a seismic shift in PFAS regulation, and that will potentially impose enormous costs on the regulated community, including public water systems. On April 10, EPA announced first-ever federal drinking water standards for PFAS under the Safe Drinking Water Act (SDWA). Just over a week later, on April 19, it announced the finalization of a rule listing two of the most widely used PFAS compounds – perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) – as “hazardous substances” under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as the Superfund law. EPA has also proposed two PFAS-related rules under the Resource Conservation and Recovery Act (RCRA).

At the state level, California's Office of Environmental Health Hazard Assessment (OEHHA) adopted public health goals for PFAS and the state has enacted legislation concerning PFAS in food packaging, cookware, textiles, and cosmetics.

PFAS DRINKING WATER REGULATION

On April 10, 2024, EPA announced the final rule establishing a National Primary Drinking Water Regulation (NPDWR) for six PFAS under the SDWA. NPDWRs are legally enforceable primary standards and treatment techniques that apply nationwide to public water systems. This final rule is the most significant step EPA has taken to prevent PFAS exposure in drinking water in accordance with its “whole-of-agency” approach.

The final rule establishes enforceable Maximum Contaminant Levels (MCLs) – concentrations of a contaminant that may not be exceeded in water delivered to any user of a public water system – for six PFAS: PFOA, PFOS, PFNA, HFPO-DA, PFHxS, and PFBS. The final rule also identifies a non-enforceable maximum contaminant level goal (MCLG) for each chemical. The rule also addresses mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS using a Hazard Index approach which requires a calculation to determine whether the cumulative effects of the combined PFAS compounds pose a potential risk. The finalized MCLs and MCLGs are as follows:

PFAS COMPOUND	FINAL MCLG	FINAL MCL (ENFORCEABLE LEVELS)
PFOA	Zero	4.0 parts per trillion (ppt)
PFOS	Zero	4.0 ppt
PFHxS	10 ppt	10 ppt
PFNA	10 ppt	10 ppt
HFPO-DA (commonly known as GenX Chemicals)	10 ppt	10 ppt
Mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS	1.0 Hazard Index (unitless)	1.0 Hazard Index (unitless)

PFAS COMPOUND	FINAL MCLG	FINAL MCL (ENFORCEABLE LEVELS)
PFOA	Zero	4.0 parts per trillion (ppt)
PFOS	Zero	4.0 ppt
PFHxS	10 ppt	10 ppt
PFNA	10 ppt	10 ppt
HFPO-DA (commonly known as GenX Chemicals)	10 ppt	10 ppt
Mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS	1.0 Hazard Index (unitless)	1.0 Hazard Index (unitless)

The MCLs of 4 ppt for PFOA and PFOS are set near the lowest level that current laboratory analytical methods can reliably detect the compounds. Further, the setting of the MCLGs for these compounds at zero reflects EPA's determination that there is no level of exposure to PFOA or PFOS at which known or anticipated adverse health effects would not occur.

By 2027, public water systems subject to the rule must complete initial monitoring at all entry points to their distribution systems either biannually or quarterly depending on the size of the systems.

Those systems which detect PFAS in drinking water above MCLs have an additional two years to implement solutions to reduce PFAS levels below MCLs.

The final rule also requires public water systems to notify customers of the initial monitoring results and ongoing monitoring results in Annual Water Quality Reports from 2027 onward. Violations of the rule will also require public notice beginning in 2027. Notification of a water standard violation must be provided to customers within 30 days, and notification of a testing or monitoring procedure violation must be provided within one year.

COST-BENEFIT ANALYSIS

To support the required cost-benefit analysis of the rule, EPA contends that the final rule will result in savings of \$1.5 billion annually as a result of reduced adverse health effects stemming from PFAS exposure. On the other hand, numerous trade and lobbying organizations representing water utilities and local governments submitted comments in response to EPA's March 2023 proposed NPDWR arguing that compliance costs would be significant because treating drinking water for PFAS would require utilities to install advanced technologies that carry an extraordinary cost. These astronomical expenses come at a time when water utilities and local governments are already facing increases in prices of essential supplies, equipment and electricity to maintain operations.

EPA estimates that between 4,100 to 6,700 public water systems serving a total population of 83 to 105 million people are currently exceeding one or more of the Maximum Contaminant Levels (MCLs) established by this rule. The American Water Works Association, an organization whose membership includes 4,300 water utilities that supply roughly 80% of the nation's drinking water, commissioned a PFAS National Cost Model Report which estimated that the cost to comply with the MCLs will exceed \$3.8 billion annually.

IMPLEMENTATION AND COST OF COMPLIANCE

Many water systems are currently ill-equipped to meet the required MCLs as traditional water treatment technologies do not address PFAS. The final rule identified several treatment technologies such as granular activated carbon, anion exchange resins, reverse osmosis, and nanofiltration that have been shown to be effective at removing PFAS.

Although these treatment technologies are available, they are expensive. EPA estimates compliance with the rule will cost approximately \$1.5 billion annually, in the form of water system monitoring, communicating with customers, and installing water treatment technologies where necessary. As noted above, opponents of the rule have asserted that costs associated with compliance will be much higher. An estimated 6% to 10% of the 66,000 public water systems will require significant investment in treatment systems to comply with the new MCLs.

To offset the cost, the federal government has dedicated \$21 billion in the Bipartisan Infrastructure Law to drinking water related matters. Nine billion dollars are set aside specifically for communities dealing with PFAS contamination of drinking water, and the remaining \$12 billion is allotted for general drinking water improvements including addressing PFAS chemicals.

NEXT STEPS

The final rule will become effective 60 days from the publication date in the Federal Register. A pre-publication version of the final rule is available [here](#). Public water systems subject to the rule will need to take steps now to identify whether PFAS compounds are present in their systems and, if so, begin the process of planning for and implementing capital improvements to treat for PFAS, which will likely take several years to complete.

PFOA AND PFOS LISTED AS CERCLA HAZARDOUS SUBSTANCES

On April 19, 2024, EPA announced that it is finalizing a rule to list PFOA and PFOS as “hazardous substances” under CERCLA. The move brings two of the most widely used PFAS compounds under EPA’s broad CERCLA purview and will enable the agency to investigate, remove, and remediate releases of the compounds, and to impose liability for the associated costs on “potentially responsible parties,” including current owners and operators of sites where the releases occurred, past owners and operators at the time of the releases, persons who arranged for the disposals of the hazardous substances, and persons who transported them to a site.

CERCLA imposes “strict liability” meaning that identified potentially responsible parties can be held liable regardless of any fault and regardless of whether they complied with all applicable laws. Further, liability to the government and non-labile private parties is “joint and several” so that each individual party can potentially be held responsible for all of the investigation, removal, and remediation costs regardless of the magnitude of their contribution to the problem (subject to potential divisibility and allocation arguments where applicable).

The listing of PFOA and PFOS as hazardous substances will likely lead EPA to designate new Superfund Sites and re-open closed sites. It may also expose potentially responsible parties to vast liability for the costs of investigating and remediating the widespread occurrence of PFAS in the environment. These consequences will be felt particularly strongly in California which has approximately 12,000 known PFAS-contaminated sites. Among other consequences, it is likely to add complexity to real estate sale and leasing transactions where buyers and lenders will have increased reason to investigate and seek to avoid potential exposure to liability associated with PFAS contamination.

EPA LOOKS TO EXPAND RCRA CORRECTIVE ACTIONS TO INCLUDE PFAS

On February 8, 2024, EPA proposed two rules to amend RCRA regulations to expand the definition of “hazardous waste” as it applies to “corrective action” (which entails environmental investigation and cleanup), and to designate nine types of PFAS and their salts and structural isomers as “hazardous constituents.”

HAZARDOUS WASTE AND HAZARDOUS CONSTITUENTS

In order to understand the proposed new rules, it is useful to review briefly the way EPA currently regulates “hazardous wastes” and “hazardous constituents.”

Under Subtitle C of RCRA, EPA regulates hazardous waste from its generation to its ultimate disposal, commonly referred to as “cradle to grave” regulation. One way in which EPA regulates hazardous waste is by issuing permits to hazardous waste treatment, storage, and disposal facilities (TSDFs). These permits include corrective action provisions that require TSDFs to investigate and clean up releases of hazardous waste. In order for a material to be classified as a hazardous waste under Subtitle C, it must first be a solid waste, a term that is defined very broadly. Under these regulations, a solid waste is also classified as a hazardous waste if it exhibits one or more specific characteristics (ignitability, corrosivity, reactivity, or toxicity) or if EPA has specifically listed it as a hazardous waste. Thus, hazardous wastes are often referred to as either “characteristic” or “listed” wastes.

EPA also maintains a list of “hazardous constituents” in Appendix VIII, 40 C.F.R. Part 261. A hazardous constituent is a substance that has toxic, carcinogenic, mutagenic, or teratogenic effects on humans or other life forms. The listing of a hazardous constituent in Appendix VIII does not make the chemical a hazardous waste and thus subject to the broad requirements of Subtitle C. However,

any permit issued by EPA to a TSDF must require corrective action for all releases of hazardous wastes or hazardous constituents.

EPA'S PROPOSAL TO CLARIFY CORRECTIVE ACTION AUTHORITY

The first proposed rule would modify the RCRA regulations applicable to TSDFs with regard to EPA's corrective action authority. Specifically, the proposed rule would amend the definition of hazardous waste applicable to corrective actions to expressly apply RCRA's broader statutory definition of hazardous waste instead of the narrower regulatory definition, which is generally limited to characteristic and listed wastes. The RCRA statute defines hazardous waste broadly as a solid waste that may "(A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed." 42 U.S.C. § 6903(5) (A), (B). This amendment would allow EPA to use its corrective action authority to address emerging contaminants, such as PFAS, as well as other non-regulatory waste at RCRA permitted TSDFs.

This proposed change stems from efforts by the New Mexico Environment Department to address PFAS contamination at Canon Air Force Base in Curry County, New Mexico. The base was the site of PFAS releases to the environment caused by the use of aqueous film-forming foam for firefighting training. PFAS-contaminated groundwater migrated to nearby dairy farms and required dairy farmers to euthanize several thousand cows due to adulterated milk. The Department's response was to include provisions in the Base's renewed Corrective Action Permit that define "hazardous waste" according to RCRA's broad statutory definition, rather than the narrower definition found in EPA's regulations. The Trump Administration's Justice Department, acting on behalf of the United States Air Force, challenged the provisions in the renewed Corrective Action Permit in federal district court. The court dismissed the case on jurisdictional grounds. The United States appealed that decision to the Tenth Circuit Court of Appeals. The appeal is now pending. It is unclear if, or how, the United States will proceed with the appeal given that the rule the Biden Administration's EPA has now proposed is at odds with the position the Trump Administration's Department of Justice took in the trial court. After numerous extensions, the United States' opening brief on appeal is due June 28, 2024.

PROPOSAL TO LIST NINE PFAS AS "HAZARDOUS CONSTITUENTS" UNDER RCRA

EPA's second proposed rule would list nine PFAS, their salts, and their structural isomers as RCRA hazardous constituents in Appendix VIII, 40 C.F.R. Part 261. **Those substances are:**

- Perfluorooctanoic acid
- Perfluorooctane sulfonic acid
- Perfluorobutane sulfonic acid
- Hexafluoropropylene oxide-dimer acid
- Perfluorononanoic acid
- Perfluorohexane sulfonic acid
- Perfluorodecanoic acid
- Perfluorohexanoic acid
- Perfluorobutanoic acid

Similar to the first proposal, the principal impact of adding nine PFAS as hazardous constituents to Appendix VIII would be to expand the scope of EPA's Corrective Action Program. RCRA requires corrective action for all releases of hazardous waste or hazardous constituents from solid waste management units at a permitted facility. 42 U.S.C. § 6924(u). Thus, this proposal would require EPA and state agencies implementing an EPA-authorized hazardous waste program to consider the

presence of these nine PFAS when implementing corrective action requirements at hazardous waste TSDFs.

IMPACT ON THE REGULATED COMMUNITY

Taken together, the revised Corrective Action rule and the PFAS Hazardous Constituent rule are likely to increase the number and scope of PFAS-related corrective actions at hazardous waste TSDFs. EPA indicates that nearly 50% of potentially affected facilities pertain to chemical manufacturing and waste management and remediation services. Other potentially impacted facilities include metal manufacturers and fabricators, coal manufacturers, and petroleum refineries. EPA also clarified that the PFAS Hazardous Constituent rule would apply only to facilities that are hazardous waste TSDFs. Facilities such as publicly owned treatment works, for example, would be excluded.

The proposal to list the nine PFAS as hazardous constituents potentially signals EPA's intent to eventually list certain PFAS as hazardous waste, which would subject facilities to the Subtitle C's cradle-to-grave regulatory scheme. Classifying PFAS as hazardous waste under RCRA would also subject facilities with PFAS contamination to cost recovery and contribution causes of action under CERCLA, assuming that the same PFAS constituents are eventually treated as CERCLA "hazardous substances" – the subject of the ongoing rulemaking that began in 2022.

Finally, if EPA were to finalize the PFAS Hazardous Constituent rule and the Corrective Action rule, citizen suits would likely follow. By adding PFAS as a hazardous constituent and clarifying that corrective actions now encompass hazardous constituents, TSDFs could be subject to citizen suits if they improperly handle PFAS waste or the release of PFAS waste presents an imminent and substantial endangerment to public health or welfare or to the environment.

CALIFORNIA ADOPTS PUBLIC HEALTH GOALS FOR PFOA AND PFOS IN DRINKING WATER

Days before EPA issued its nationwide drinking water standards for select PFAS, on April 5, 2024, California's OEHHA adopted Public Health Goals (PHGs) for PFOA and PFOS in drinking water at 0.007 ppt and 1.0 ppt, respectively.

A PHG is the level of a drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. Like MCLGs at the federal level, PHGs are non-enforceable advisory levels. However, PHGs reflect the State's current assessment of the risk a particular contaminant poses to public health. PHGs also function as precursors to enforceable MCLs. Under California's Calderon-Sher Safe Drinking Water Act, essentially California's analogue to the federal Safe Drinking Water Act, OEHHA must adopt PHGs for each contaminant for which California's State Water Resources Control Board (SWRCB) proposes to adopt an MCL. California state law requires the SWRCB to establish an MCL as close to a PHG as is technologically and economically feasible, with a primary emphasis on protecting public health.

Importantly, California's MCLs cannot be less stringent than EPA's federal MCLs. Assuming the final rule becomes effective, EPA's MCLs of 4.0 ppt for PFOA and PFOS represent the regulatory floor for California. The SWRCB will have to propose MCLs at those levels or lower, which are already near analytical detection limits.

CALIFORNIA LEGISLATION ADDRESSING PFAS

In 2023, two California bills addressing the use of PFAS chemicals in various consumer products took effect. The first, Assembly Bill (AB) 1200, took effect on January 1, 2023, and prohibits the sale of food packaging containing PFAS and requires the manufacturer to use the least toxic alternative.

The bill also requires that, as of January 1, 2024, all cookware which includes designated PFAS, among a list of other chemicals, must be labeled accordingly when sold. Additionally, AB 652, which took effect on January 1, 2023, bars the manufacture, distribution or sale of any new product for juveniles containing PFAS. The law uses a broad definition of PFAS and covers “intentionally added PFAS” or PFAS at concentrations above 100 parts per million (ppm) in the product.

AB 1817 and AB 2771, which prohibit the manufacture, distribution, and sale of certain “textile articles” containing PFAS and cosmetic products containing intentionally added PFAS, respectively, will both take effect on January 1, 2025.

AB 1817 bans the manufacture, distribution, sale, or offer for sale of a new textile article that contains regulated PFAS. AB 1817 defines regulated PFAS to mean PFAS that a manufacturer has intentionally added for a functional or technical effect or PFAS that exceeds a certain threshold. Commencing on January 1, 2025, the threshold is 100 ppm and decreases to 50 ppm on January 1, 2027. This bill applies to a wide variety of products, as the bill defines “Textile Articles” as “Apparel,” i.e., clothing intended for regular wear or formal occasions; outdoor apparel; handbags; and backpacks and household items such as shower curtains, bedding, towels, and tablecloths. Notably, AB 1817 will allow retailers and distributors to rely in good faith on certificates of compliance provided by manufacturers.

AB 2771 bans the manufacture, sale, delivery, holding, or offering for sale in commerce of any cosmetic product that contains intentionally added PFAS. AB 2771 defines “intentionally added” to mean either (1) PFAS chemicals that a manufacturer has intentionally added to a product and that have a functional or technical effect on the product or (2) PFAS chemicals that are “intentional breakdown products” of an added chemical. AB 2771 also defines “cosmetic product” to mean an article for retail sale or professional use intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering appearance.

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