

Fact Sheet
January 2002

Hazardous Waste Generator Requirements



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY, (CAL/EPA)
DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)

DTSC is one of six Boards and Departments within the California Environmental Protection Agency. DTSC's mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California



California
Environmental
Protection Agency



I. INTRODUCTION

This fact sheet provides information and guidance on the requirements for Hazardous Waste Generators pursuant to the California Health and Safety Code (Health & Saf. Code) and Title 22, California Code of Regulations (Cal. Code Regs.). A "generator" is any person, by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation. (Title 22, Cal. Code Regs., section 66260.10.) This fact sheet does not replace or supersede relevant statutes and regulations. The information contained in this fact sheet is based upon the statutes and regulations in effect as of the date of the fact sheet. Interested parties are advised to keep apprised of subsequent changes to relevant statutes and regulations. Unless otherwise specified, the citation for each requirement is from Title 22, Cal. Code Regs.

II. REQUIREMENTS

The following requirements apply to generators of hazardous waste except for generators that generate no more than 100 kg exclusively of silver-only hazardous waste. (Please see Section III of this fact sheet for the requirements that apply to generators that generate no more than 100 kg exclusively of silver-only hazardous waste.)

A. HAZARDOUS WASTE DETERMINATION

Determine if the waste is hazardous. Is it toxic, reactive, ignitable or corrosive? (Section 66262.11.) Is the waste listed as a hazardous waste in article 4 or Appendix X of chapter 11 of division 4.5 of Title 22, Cal. Code Regs?

B. IDENTIFICATION NUMBER

This number identifies each handler on hazardous waste manifests and other paperwork. The identification number enables regulators to track the waste from origin to final disposal ("cradle to grave"). These numbers are site-specific and there must be only one number at a single address. If you have a business that

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generates waste at multiple addresses, each address needs a separate identification number.

All hazardous waste transporters and permitted treatment, storage and disposal facilities (TSDFs) must have an identification number. Hazardous waste generators must have an identification number (section 66262.12) unless you generate only silver waste less than or equal to 100 kg per month. (Health & Saf. Code, sections 25160.2 (b)(10) and 25160.2 (e)).

Handlers of federally-regulated RCRA waste who need an identification number should contact the U.S. EPA at 415-495-8895. Handlers of State regulated hazardous waste who do not need the federal number should contact DTSC's Generator Information Services Section (GISS) at 800-618-6942. (Section 66262.12.) Out-of-State callers should call 916-255-1136 to obtain an identification number. There is no fee to obtain an identification number. However, every generator number is subject to an annual verification, and for those with 50 or more employees a verification fee is assessed. (Health & Saf. Code, section 25205.16.) For more detailed explanation on identification numbers, read DTSC's Fact Sheet "EPA Identification Numbers" (September 2000).

C. ACCUMULATION

(1) Hazardous waste may be accumulated onsite in generator accumulation units (containers, tanks, drip pads, or containment buildings) only in compliance with the applicable time limits specified in Health & Saf. Code, section 25123.3 (90 days, 180 days, 270 days or 365 days). (Section 66262.34.)

(2) If hazardous waste is accumulated in containers, a generator must comply with Title 22, Cal. Code Regs., division 4.5, chapter 15, article 9 (Use and Management of Containers). These requirements include:

(a) Placing containers holding ignitable or reactive wastes at least 15 meters (50 feet) from the facility's property line. (Section 66265.176.)

(b) Not placing incompatible waste streams into the same container. (Section 66265.177.)

(c) Separating a container holding a hazardous waste that is incompatible with any waste or other materials transferred or stored nearby in other containers, piles, open tanks, or surface

impoundments from the other materials or protecting them by means of a dike, berm, wall, or other device. (Section 66265.177.)

(3) Maintaining all containers so that they are:

(a) in good condition (Section 66265.171);

(b) compatible with contents (Section 66265.172);

(c) closed, except when adding or removing hazardous waste (Section 66265.173);

(d) managed to avoid rupture or leaks (Section 66265.173);

(e) inspected weekly (Section 66265.174); and

(f) properly labeled (Section 66262.34).

(4) While DTSC does not require secondary containment for a generator's hazardous waste containers, local codes may require it.

(5) If hazardous waste is accumulated in tanks, a generator must comply with Title 22, Cal. Code Regs., division 4.5, chapter 15, article 10 (Tank Systems Standards) except for Sections 66265.197(c) and 66265.200. These requirements include maintaining all tanks so that the tanks are:

(a) inspected daily (Section 66265.195);

(b) properly labeled (Section 66262.34); and

(c) designed to hold hazardous waste and not collapse or leak. (Section 66265.192.)

Most tanks and tank systems must have secondary containment. Secondary containment can include a liner, vault or double-walled tank. Appurtenances also must be contained. Secondary containment needs to be certified by a professional engineer registered in California. (Section 66265.191-66265.196.)

(6) If hazardous waste is placed on drip pads, the generator must comply with Title 22, Cal. Code Regs., division 4.5, chapter 15, article 17.5 (Drip Pads) and maintain the following records at the facility:

(a) 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

(b) documentation of each waste removal,

including the quantity of waste removed, the sump or collection system and the date and time of removal.

If hazardous waste is accumulated in containment buildings, the generator must comply with Title 22, Cal. Code Regs., division 4.5, chapter 15, article 29 (Containment Buildings), and obtain a professional engineer certification that the building complies with the design standards specified in Section 66265.1101. The engineer certification is required prior to operating the unit and must be placed in the facility's operating record. (Section 66262.34 (a)(1)(C)).

(7) The owner or operator of a containment building must maintain the following records at the facility:

(a) 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 facility management practices showing that they are consistent with the 90 day limit, and documentation that the procedures are complied with (Section 66262.34 (a)(1)(C)(1)); or

(b) documentation that the unit is emptied at least once every 90 days. (Section 66262.34 (a)(1)(C)(2)).

(8) A generator accumulating in tanks or containers is exempt from articles 7 and 8 in Title 22, Cal. Code Regs., division 4.5, chapter 15, except Sections 66265.111 (Closure Performance Standards) and 66265.114 (Decontamination). (Section 66262.34 (a)(1)).

For a more detailed explanation on accumulation requirements, read DTSC's "Accumulating Hazardous Wastes at Generator Sites" Fact Sheet (January 2002).

D. LABELING/MARKING

(1) The date upon which each period of accumulation begins must be clearly marked and visible for inspection on each accumulation unit. (Section 66262.34.)

(2) While being accumulated on site, each generator tank or container must be labeled or clearly marked with the words, "Hazardous Waste." (Section 66262.34.)

(3) Each container and portable tank in which hazardous waste is accumulated must be labeled with the following information:

- (a) composition and physical state of the waste;
- (b) statement or statements that call attention to the particular hazardous properties of the waste (e.g. flammable, reactive); and
- (c) name and address of the generator. (Section 66262.34.)

(4) Containers and tanks used by the generator to collect or consolidate wastes initially accumulated in other containers or tanks are subject to the same labeling requirements. The initial accumulation and "90-day period" dates on the "collection" container/tank must be the oldest of the initial accumulation and "90-day period" dates from the various containers/tanks emptied into the "collection" container/tank. This may require dates to be changed if wastes from "older" containers/tanks are added to the "collection" container/tank.

(5) In some cases, containers are continuously reused for accumulation of the same waste stream; e.g., drums used to initially accumulate waste which when full are emptied into larger "collection" containers. "Recurring use" labels may be used on such containers to revise the initial accumulation and "90-day period" dates (without having to change the other labeling information). If the container is emptied at least once each day, the word "daily" may be used in the date area of the label.

E. EMERGENCY PROCEDURES/ CONTINGENCY PLANS

(1) ALL GENERATORS

All generators must comply with these requirements regarding preparedness and prevention:

(a) All operations must minimize the possibility of a fire, explosion or any unplanned release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. (40 C.F.R. section 265.31, Section 66265.31)

(b) A generator's site must be equipped with the following, unless it can be demonstrated to DTSC

that none of the hazards posed by waste could require a particular kind of equipment specified below:

(1) Internal communication or alarm system to provide immediate instruction to personnel;

(2) A telephone, two-way radio, or similar device, 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, spill containment 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. (40 C.F.R. section 265.32, section 66265.32)

(c) All communications and alarm systems, fire protection equipment, spill control equipment and decontamination equipment, where required, must be tested and maintained as necessary to ensure its proper operation in time of emergency. (40 C.F.R. section 265.33, section 66265.33)

(d) Whenever hazardous waste is being handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless DTSC has determined that such a device is not required. (40 C.F.R. section 265.34, section 66265.34.)

(e) If only one employee is on the premises while the facility is operating, he/she must have immediate 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 DTSC has determined that such a device is not required under section 66265.32. (40 C.F.R. section 265.34, section 66265.34)

(f) The generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of operation in an emergency, unless it can be demonstrated to DTSC that aisle space is not needed for any of these purposes. (40 C.F.R. section 265.35, section 66265.35)

(g) The generator must attempt to make the following arrangements, as appropriate, for the types

of waste handled at the site and the potential need for the services of these organizations:

(1) Arrangements to familiarize police and fire departments, emergency response teams and the local Office of Emergency Services with the layout of the facility, properties of the hazardous waste, associated hazards, places where personnel would normally be working, entrances to roads inside the facility and possible evacuation routes;

(2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

(3) Agreements with State emergency response teams, emergency response contractors and equipment suppliers;

(4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled and the types of injuries or illnesses that could result from fires, explosions or releases at the facility; and

(5) Where State or local authorities decline to enter into such arrangements, the generator must document the refusal in the operating record. (40 C.F.R. section 265.37, section 66265.37)

(2) LESS THAN 1000 KG/MONTH

Generators that generate less than 1000 kg/month of hazardous waste must comply with the following requirements (40 C.F.R. section 262.34(d)(5)):

(a) At all times there must 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. This employee is the emergency coordinator. (40 C.F.R. section 262.34(d)(5)(i)).

(b) Post the following information next to the telephone:

(1) The name and telephone number of the emergency coordinator;

(2) The 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.

(40 C.F.R. section 262.34(d)(5)(ii)).

(c) The emergency coordinator or his/her designee must respond to any emergencies that arise. In the event of a:

(1) Fire, call the fire department or attempt to extinguish it using a fire extinguisher;

(2) Spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;

(3) Fire, explosion, or other release that could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the National Response Center (using their 24-hour toll free number 800/424-8802). (40 C.F.R. Section 262.34(d)(5)(iv)).

(3) 1000 KG/MONTH OR MORE

Each generator that generates 1000 kg/month or more of hazardous waste per month must comply with the requirements of Title 22, Cal. Code Regs., division 4.5, chapter 15, article 4. These requirements include:

(a) The generator must prepare and retain a written contingency plan and emergency procedures for dealing with emergencies. 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. (Section 66265.51.)

(b) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment. (Section 66265.51.) The contents of a contingency plan can be found in section 66265.52.

(c) At all times there must be at least one employee, either on the premises or on call (i.e., available to respond to an emergency by reaching the site within a short period of time), with the responsibility for coordinating all emergency response measures. In addition, this person must have the authority to commit resources needed to carry out the contingency plan. (Section 66265.55.)

F. TRAINING

(1) Generators that generate less than 1000 kg/month of hazardous waste must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies. (40 C.F.R. section 262.34(d)(5)(iii)).

(2) Generators that generate 1000 kg or more per month of hazardous waste must comply with the requirements of section 66265.16. These requirements include:

(a) Personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the generator's compliance with the regulatory requirements.

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

(c) At a minimum, the training program must be designed to ensure that personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment and emergency systems, including other applicable requirements.

(d) Personnel must successfully complete the program within six months after employment or assignment to the facility. Personnel must not work in unsupervised positions until they have completed the training requirements referenced above. They must also take part in an annual review of the initial training.

(e) The following documents and records must be maintained at the facility:

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

(2) A written job description for each position related to hazardous waste management, including the requisite skill, education or other qualifications and duties of employees assigned to each position.

(3) A written description of the type and

amount of both introductory and continuing training that will be given to each person filling each of these positions.

(4) Records that document that the training or job experience required has been given to, and completed by, facility personnel.

(5) Training records on current personnel must be kept until closure of the site. Training records on former employees must be kept for at least three years from the date the employee last worked at the site. Personnel training records may accompany personnel transferred within the same company. (Section 66265.16.)

G. SHIPMENT

When shipping hazardous waste totaling more than 50 pounds/5 gallons off the premises a generator must:

(1) Use only transporters, and transfer, treatment, storage and disposal facilities that are registered or permitted by DTSC and have obtained an ID number (Section 66262.12);

(2) Comply with Department of Transportation (DOT) requirements for packaging, labeling and marking and ensure that the transport vehicle is correctly placarded (Section 66262.32);

(3) Use a California Hazardous Waste Manifest, DTSC Form 8022A, unless the receiving state requires otherwise. A manifest is the paperwork that accompanies hazardous waste from the point of generation to the point of ultimate treatment, storage or disposal. Manifests may be ordered from the Department of General Services, P. O. Box 1015, North Highlands, CA, 95660. For general manifest questions, call DTSC's GISS at 1-800-618-6942. Out-of-State callers should call (916) 255-1136 for additional information regarding manifests (Section 66262.20 and Section 66262.21);

(4) Complete the generator and waste sections and sign the manifest certification according to the instructions included in the Appendix to Chapter 12

of Division 4.5, Title 22, Cal. Code Regs. (Section 66262.23);

(5) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest (Section 66262.23);

(6) Retain two copies of the manifest, in accordance with Section 66262.40(a) (Section 66262.23) ;

(7) Keep the generator copy of each manifest for three years or until the signed copy is returned by the designated facility (See (13) below). This signed copy must be retained for at least three years from the date the waste was accepted by the initial transporter (Section 66262.40);

(8) Ensure that if shipping hazardous waste to an out of state non-permitted TSD, that the TSD signs and returns the final copy of the manifest to the generator, who is then responsible for sending the signed copy to DTSC (Section 66262.23);

(9) Submit the appropriate copy of each manifest used to DTSC, within thirty (30) days of each shipment (Section 66262.23);

(10) If a manifest from another state is used to ship hazardous waste to that state, then submit a legible copy of the manifest used to DTSC within thirty (30) days of each shipment (Health & Saf. Code, section 25160);

(11) Ship waste only to facilities authorized to accept the waste type (Section 66262.20);

(12) Contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste if the generator has not received a copy of the manifest signed by the operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter; and

(13) File an Exception Report with DTSC if a copy of the manifest signed by the facility operator is not received within 45 days of the date the waste was

accepted by the initial transporter. The time to file an exception report is 60 days for generators of less than 1000 kilograms per month and who meet other specified requirements. (Health & Saf. Code, section 25123.3 (h)(2)). These reports must be retained for a period of three years (Section 66262.42.) NOTE: For generators of less than 100 kilograms per month, there are certain transportation allowances. See Health & Saf. Code, section 25163(c).

H. BIENNIAL REPORT

Submitting a biennial report is required for a generator who ships any hazardous waste to a transfer, treatment, storage or disposal facility within the United States. The report is due by March 1 of each even-numbered year and covers the previous year of hazardous waste activity. (Section 66262.41.) Copies must be retained for three years. (Section 66262.40.) For more information regarding biennial reports, call the Biennial Report Hotline at (916) 322-2880.

III. SILVER-ONLY GENERATOR

Generators that generate no more than 100 kg exclusively of silver-only hazardous waste must comply only with the federal Conditionally Exempt Small Quantity Generator (CESQG) requirements in 40 C.F.R. section 261.5, instead of the Cal. Code Regs., Title 22 requirements. They need only to:

- (1) Determine if their waste is hazardous (40 C.F.R., 261.5(g)(1));
- (2) Accumulate no more than 100 kg of hazardous waste at any one time (40 C.F.R., 261.5(g)(2)); and
- (3) Ensure that the disposal or recycling of the hazardous waste is done at an authorized facility (40 C.F.R. 261.5(g)(3)).

These silver-only generators do not need to obtain an identification number and they do not have to use a hazardous waste manifest or registered hazardous waste transporter when shipping their hazardous waste. For more information on the regulation of silver wastes, please read the DTSC fact sheet titled "Onsite Tiered Permitting: Changes in Regulations of Silver Wastes [as established by Senate Bill (SB) 2111] (Revised January 2000)."

All questions regarding Hazardous Waste Generator Requirements should be directed to the DTSC Office nearest you. You may contact the regional Public and Business Liaisons by calling (800) 72TOXIC (1-800-728-6942), or by visiting DTSC's web site at www.dtsc.ca.gov

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IV. DEFINITIONS

Container: A device that is open or closed, and portable, in which material can be stored, handled, treated, transported, recycled or disposed of. Note: Railroad cars are "containers", since they are portable when full and are subject to all storage and management requirements and restrictions applicable to containers.

Containment Building: A hazardous waste management unit that is used to store or treat hazardous waste under the provisions of article 29 of chapter 14 or 15, division 4.5, Title 22, Cal. Code Regs.

Drip Pad: An engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation, and surface water run-on to an associated collection system at wood preserving plants.

Generator or Producer: Any person, by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.

Grant of Authorization: A permit, interim status authorization, variance, permit-by-rule, conditional authorization, conditional exemption, or consent order.

Hazardous Waste Facility or Facility: All contiguous land and structures, other appurtenances, and improvements on the land used for treatment, transfer, storage, resource recovery, disposal or recycling of hazardous wastes. A hazardous waste facility may consist of one or more treatment, transfer, storage, resource recovery, disposal or recycling operational units or combinations of these units.

Non-RCRA Hazardous Waste: All hazardous waste regulated in the State of California, other than RCRA (federally-regulated) hazardous waste. A hazardous waste is presumed to be RCRA hazardous waste, unless it is determined pursuant to Section 66261.101 that it is a non-RCRA hazardous waste.

Offsite: Any site that is not onsite.

Onsite: Geographically contiguous property that may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection, and access is by crossing as opposed to going along the right-of-way.

Noncontiguous properties owned by the same person but connected by a right-of-way which that person controls and to which the public does not have access, are also considered onsite property.

RCRA: Resource Conservation and Recovery Act (RCRA). Federal statute that regulates generators, transporters, and facilities that treat, store or dispose of hazardous waste. All RCRA hazardous wastes are identified in Part 261 of title 40 of the C.F.R. and appendices and title 22, Cal. Code Regs., Section 66261.1et seq.

Silver-only Hazardous Waste: Wastes containing silver or silver compounds that are hazardous waste solely due to the presence of silver in the waste. These wastes are regulated according to the provisions of Health & Saf. Code, section 25143.13.

Storage Facility: A hazardous waste facility at which the hazardous waste is either:

(a) held onsite past the applicable time limit (90/180/270 days);

(b) held for any period of time at an offsite facility that is not a transfer facility; or

(c) held at a transfer facility for periods longer than six days, or longer than 10 days for transfer facilities located in industrial areas.

(d) DTSC may extend the above period of time for hazardous waste that is generated as a result of an emergency release and that is collected and temporarily stored by emergency rescue personnel, as defined in Section 25501, or by a response action contractor, upon the request of emergency rescue personnel or the response action contractor.

(e) The hazardous waste is held at a transfer facility for any period of time in a manner other than in a container or tank.

(f) The hazardous waste is held at a transfer facility for any period of time and handling occurs other than the transfer of packages or containerized hazardous waste from one vehicle to another.

(g) A grant of authorization from the Department is required for a Hazardous Waste Storage Facility.

Tank: A stationary device, designed to contain an accumulation of hazardous waste constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support. Note: Devices designed to allow attached "hard-piping" are considered to be tanks because this indicates that they are not intended to be moved while in use.