

DTSC Responses to Questions from the 2007 HHW/Used Oil Training Workshops in Long Beach, California

1.) Do commercial universal waste handlers need an EPA ID number to bring universal waste to permanent household hazardous waste (HHW) facilities?

DTSC's universal waste regulations include separate requirements for handlers and transporters of universal waste. When a universal waste handlers transport their own universal waste, they are subject to the requirements for universal waste transporters, not those for handlers. The regulations make no distinction between commercial and noncommercial handlers and transporters.

A transporter of universal waste is not required to obtain an EPA identification number. Large Quantity Handlers (LQH) of universal waste (handlers who accumulate 5,000 Kilograms or more of total universal wastes at any time) are required to have an ID number for the site at which they handle universal waste, but not transporting universal waste to another handler (such as an HHW collection facility) or to a destination facility.

A HHW facility may choose require any business that brings hazardous waste to provide an EPA ID number as a condition of accepting the waste, but a business that generates only universal waste is unlikely to have one.

2.) For abandoned oil, do you need a CAL EPA identification number to pick up and transport it? What other requirements are there for local agencies who pick up abandoned oil and other HHW?

Subdivision (a)(1)(H) of section 25218.5 of the California Health and Safety Code provides for the transportation of abandoned hazardous waste to an HHW collection facility. It allows transportation of illegally disposed hazardous waste by a "registered hazardous waste transporter, under agreement with the household hazardous waste facility, operating under a contract with a public agency to transport hazardous wastes that were disposed of in violation of this chapter, and that are being removed by, or are being removed under the oversight of, the public agency, if the hazardous wastes were not originally disposed of in violation of this chapter by that public agency."

Chapter 13 of Title 22 in the California Code of Regulations outlines the Standards for Hazardous Waste Transporters. Section 66263.17 (part of chapter 13) prohibits transportation of hazardous waste without an EPA ID number.

3.) What is required to be a registered hazardous waste transporter? What are the requirements for a vehicle?

Requirements for the Transporter

Hazardous waste transporters must comply with several sets of regulatory requirements:

- The California Vehicle Code, CHP Regulations (Cal. Code Regs., tit. 13);
- The California State Fire Marshal Regulations (Cal. Code Regs., tit. 19); and

- Department of Transportation (DOT) Regulations found in title 49 of the Code of Federal Regulations (49 CFR).
- Hazardous waste transporter requirements found in Article 6 of chapter 6.5 of the California Health and Safety Code and Chapter 13 of title 22 of the California Code of Regulations

In order to become registered as a hazardous waste transporter an applicant must submit a hazardous waste hauler application form (DTSC form 187) and proof of the ability to provide adequate response to damages (insurance and other liability documents). DTSC reviews the application for completeness and provides a written response to the applicant within 14 calendar days. Only registered hazardous waste transporters who have received an EPA identification number are eligible to transport hazardous waste.

Requirements for the Vehicle

Vehicles used to transport hazardous waste must comply with container requirements found in section 66263.16 of title 22 of the California Code of Regulations, including design, construction and physical condition of the containers to prevent releases to the environment.

For more information on hazardous waste transportation requirements, please refer to the fact sheet on DTSC's Web site:

<http://www.dtsc.ca.gov/HazardousWaste/Transporters/upload/Hazardous-Waste-Transporter-Requirements.pdf>

4.) What kind of permit and ID numbers are needed for holding temporary collection events at parking lots – specific CAH#'s needed?

The government entity (not their contractor) holding the event must apply for a temporary CAH ID number no less than 45 days prior to the event. DTSC's Generator Information Services Section (GISS) issues CAH ID numbers either by phone or email. If calling GISS from within California, the toll free telephone number is (800) 618-6942. For calls from outside California, the telephone number is (916) 255-1136. Additional information on California EPA ID Numbers can be found at www.dtsc.ca.gov/IDManifest.

Under the Permit-by-Rule (PBR) standards, a temporary HHW collection facility is required to notify the CUPA and DTSC (DTSC Form 8464) at least 45 days before the day of the planned event. In addition to the facility CAH identification number requirement, the operator or public agency must also comply with all applicable requirements of section 67450.4 of title 22 of the California Code of Regulations.

5.) What's the lead time to get a CAH number? Do you need an EPA ID number for each site where the events to be held?

GISS issues the CAH ID number within 3 business days from receipt of the request. If the application is by phone and all the required information is available, the CAH ID

number is issued on the phone. Yes, each site location is required to have an ID number.

6.) If you're bulking flammable items at temporary events, what do you need to do in bonding and grounding containers?

Temporary household hazardous waste collection facilities that bulk solvents, oil-based paints, or gasoline are required by section 67450.4(a)(14) of the California Code of Regulations, title 22, to have a written plan that has been approved by the local fire department. The Fire Code requires that liquids with a flash point lower than 100 degrees Fahrenheit be dispensed only when the containers are electrically interconnected. Please contact your fire agency and/or refer to the California Fire Code for the specific requirements for bonding and grounding.

Pursuant to section 66265.31¹ of title 22 of the California Code of Regulations, a THHWCF is required to be "maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste...." Bonding and grounding containers when transferring flammable liquids from one container to another is well established practice for preventing fire or explosion.

7.) If we get incandescent light bulbs, do you throw them in the trash or is it treated as universal waste and handled appropriately?

DTSC suspects that some incandescent bulbs may contain enough lead to exhibit the hazardous waste toxicity characteristic. We plan to conduct testing in the near future. Light bulbs that are hazardous would qualify as universal waste lamps and could be handled as such; those that aren't hazardous may be discarded as non-hazardous waste.

8.) Explain the regulations for CESQGs

What a CESQG is

Section 261.5 of the 40 Code of Federal Regulations defines a Conditionally Exempt Small Quantity Generator (CESQG) as a person who generates, in a calendar month, no more than 100 kilograms of hazardous waste. In making the quantity determinations, the generator must include all RCRA hazardous waste except the following:

- Hazardous waste that is exempt from regulation;
- Hazardous waste that is managed immediately onsite;
- Hazardous waste that is recycled without storage or accumulation
- Used oil,
- Spent lead acid batteries; and
- Universal waste

¹ Pursuant to subsection (c) of section 67450.4, the operator of a THHWCF is required to maintain compliance with the hazardous waste generator requirements found in chapter 12 of the California Code of Regulations, title 22. In chapter 12, section 66262.34 ("Accumulation Time") allows a generator (and a THHWCF) to accumulate hazardous waste provided he or she complies with the requirements of articles 3 and 4 of chapter 15.

What it Means to be a CESQG in California

California law does not exempt CESQGs from regulation. The only time CESQGs are mentioned in California law is in section 25218.5 of the Health and Safety Code, which allows hazardous waste produced by a CESQG to be transported to a HHW collection facility. Hazardous waste generated by a CESQG must be managed according to all applicable hazardous waste regulations including proper containment, labeling, respond to releases etc.

9.) Is there a proper nomenclature for obtaining EPA ID#'s for a facility name (the name of the location itself)?

It is usually the name of the facility, the entity, person or business who is the generator of the waste (i.e., Sacramento County DPW, Rose Smith (as a homeowner), Dave's Autobody, Inc, etc). As a general rule of good practice, the business information associated with the EPA identification number should also reflect the generator's business information.

10.) For businesses that want to become e-waste collectors, can we talk to the local CUPAs for guidance/insight?

E-waste is not included in the six environmental programs being handled by CUPAs. The California Integrated Waste Management Board (CIWMB) is the State Agency which receives and evaluates applications from prospective collectors and recyclers of e-waste. The CIWMB's Web page www.ciwmb.ca.gov/Electronics/WhatisEwaste has additional information on this subject.

11.) If a business is bringing in hazardous waste and universal waste together, how do you classify them with regards to their 220lbs limit?

Section 25218.5 of the Health and Safety Code allows a CESQG to transport up to 27 gallons or 220 pounds, but not more than 100 kg per month, of hazardous waste to a HHW collection facility.

Universal waste should not be included when calculating a CESQG's transportation quantity limit. Section 261.5 of 40 CFR specifically excludes universal waste from being counted for the purposes of determining whether a generator meets the definition of a CESQG. Further, chapter 23 of title 22 of the California Code of Regulations imposes no limits on the amount of universal waste that may be carried by a universal waste transporter or accepted by a universal waste handler (other than that a handler who accumulates 5,000 kilograms of universal waste at any time becomes regulated as a large quantity handler for the balance of the calendar year).

12.) What options are there for treating/handling/storing/and transporting munitions?

There is no prohibition against an HHW collection facility accepting munitions and other explosive hazardous waste, but it has to be included in their plan. Because there are no authorized facilities in California to handle waste fireworks and other explosive hazardous waste, DTSC is providing this webpage

(http://www.dtsc.ca.gov/HazardousWaste/upload/hwm_list_fireworks.pdf) as a resource for proper disposal of these unique waste streams.

13.) Are we not allowed to allow latex paint to dry off; is it considered treatment of HHW and illegal?

Drying of latex paint by a generator could be eligible for an exclusion from the definition of treatment in subsection (b)(2)(D) of section 25123.5 of the Health and Safety Code (“Evaporation of water from hazardous wastes in tanks or containers ... without the addition of ... heat other than sunlight or ambient room lighting or heating”). Treatment at an offsite location (such as an HHW collection facility) does not qualify for this exclusion, however. As offsite treatment of a hazardous waste, allowing latex paint to dry off would fall outside the scope of the PBR regulations under which HHW collection facilities are authorized.