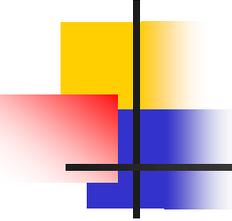


Regulatory Compliance issues for Household Hazardous Waste collection facilities

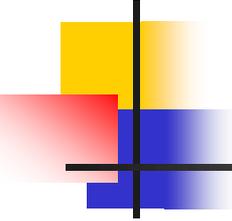
Asha Arora, Sr HSS, DTSC
(510) 540-3874
aarora@dtsc.ca.gov



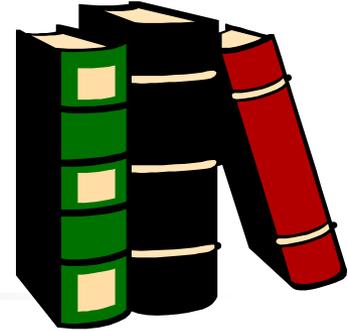
Regulatory Aspects

- Regulatory Aspects

Due to the complexity and frequent overlap of the statute and regulations that define household hazardous waste (HHW) and other related programs it becomes necessary to become intimately familiar with the law in order to comply with the requirements designed to protect human health and the environment.

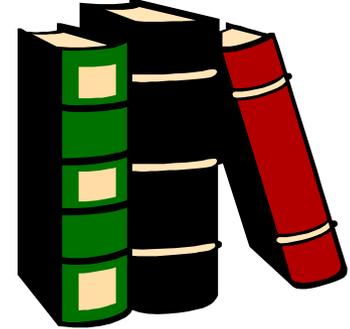


HHW Law

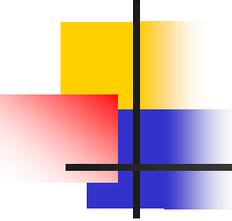


- Federal
 - Household hazardous waste are not hazardous wastes.
- California
 - Household hazardous waste are hazardous wastes.

HHW Law

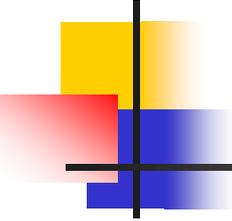


- California Health and Safety Code (HSC), division 20, chapter 6.5, article 10.8 is the starting point for understanding the various program types.
- California Code of Regulations (CCR), title 22, division 4.5 contains generator, transporter, recycling exemptions, HHW permit by rule (PBR) and universal waste rule requirements.



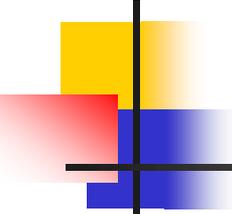
Generator Standards

- CCR, title 22, chapter 12 contains the basic generator requirement for hazardous waste management whether it is a certified center, a recycle only facilities (BOP), or a PBR facility unless exempted or over ridden by program specific regulations or a variance



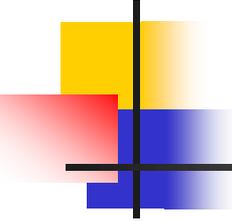
HSC, div 20 References

- Article 6 contains hauler and manifest requirements.
- Article 9.4 contains collection standards for agricultural waste chemicals.
- Article 10.7 contains alternative latex paint management requirements.
- Article 13 contains used oil management requirements for curbside and certified center programs.



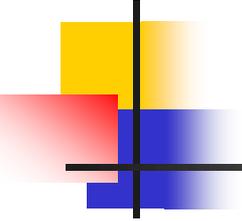
Other References Contd...

- Code of Federal Regulations (CFR), Title 49
- California Vehicle Code (CVC) regulates the licensing and transportation of hazardous materials and wastes.
- Public Resources Code (PRC), chapter 4 establishes the certified used oil collection program.
- CCR, title 8 contains California OSHA standards.
- CCR, title 14 contains and identifies additional certified used oil collection center requirements

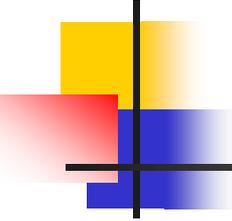


HHW Overview

- Permanent HHWCF Program
- Temporary HHWCF
- Recycle-only HHWCF
- Mobile HHWCF
- Door-to-door HHWC Program
- Curbside HHWC Program

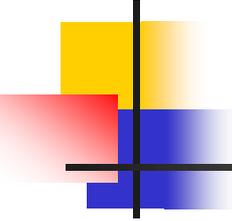


How do you get authorization for the Non-Traditional Door-to-Door (PHHWCFs) Program?



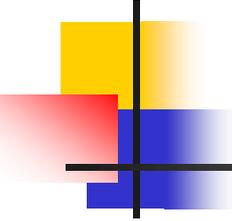
Door-to-Door Program

- Must be sponsored by a local agency
- In the case of Waste Management Services, Inc.
 - A registered transporter becomes the authorized permanent household hazardous waste collection facility (PHHWCF) when collecting waste at a residence.



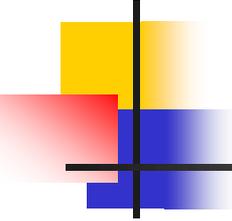
How should an agency comply?

- Obtain an EPA ID# CAH----- from DTSC
- Meet the following conditions
 - Submit a complete PBR notification/application for PHHWCF with the following:
 - An operation plan
 - Info on how the waste is handled, and by whom, from the time the resident calls for a pickup from the residence
 - Must provide financial responsibility



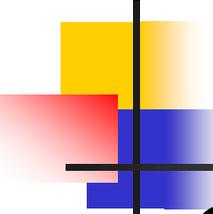
Contd..

- All hazardous waste to be transported must be delivered to an authorized PHHWCF or a treatment, storage, and disposal facility (TSDF).
- Each agency's hazardous waste must be accompanied by a separate manifest. No consolidated manifests.



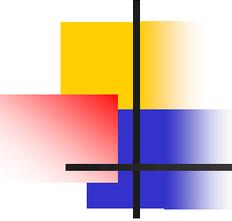
Contd..

- For example, if a registered transporter throughout the day picks up HHW from multiple jurisdictions each jurisdiction's manifest must be kept separate even though the waste from different jurisdictions may be combined as to type (e.g. all the used oil can be bulked into one container while at the residence but a separate manifest must be completed for each jurisdiction).



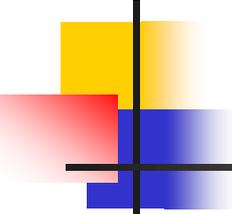
Comply w/PHHWCF requirements except noted otherwise

- Generator requirements (manifest, record keeping, & reporting requirements)
- General facility requirements
 - Containment (not required during transportation)
 - Obtain an EPA ID#
 - Notify CUPA or DTSC (if no CUPA) within 10 days after commencement of bankruptcy proceeding



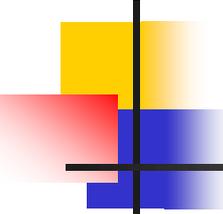
PHHWCF requirements

- Storage tanks certified by a manufacturer or a registered engineer (not required if the waste is in containers)
- No unauthorized person allowed into the active portion of the facility (vehicle)
- 24-hour surveillance or barrier around the facility (vehicle must be parked in secured location)
- Danger Sign
- Inspect facility for malfunctions & deteriorations, operator errors, & discharges



Are PHHWCFs required to have visquine?

- In regard to title 22, sections 67450.25(a)(4) and 67450.4(d)(4): the plastic sheeting is required for both permanent and temporary facilities "except as modified" for PHHWCFs.
- 67450.25 (a)(4) says to maintain compliance with sections 67450.4(d), (e), (g), (h)(3), and (I) as those sections apply to THHWCFs, except as modified below:
- 67450.4(d)(4). The waste handling and storage areas of the PHHWCFs shall have a continuous base that meets the requirements of section 66264.175(b)(1);



Visquine Cont..

- As per the DTSC responses to the comments received for THHWCFs in 1993: DTSC intent in subsection 67450.4(d)(4) is that there is a continuous base which is adequately impermeable to resist spills and strong enough to withstand the stresses it will receive during a THHWCF event.
- The purpose of plastic is for easy cleanup of spills. If, for instance paint is carried across an uncovered area between two covered areas, the required easy-cleanup protection is unavailable while the waste is being moved (which is the most likely time for a spill to occur).
- Visquine does pose safety issues

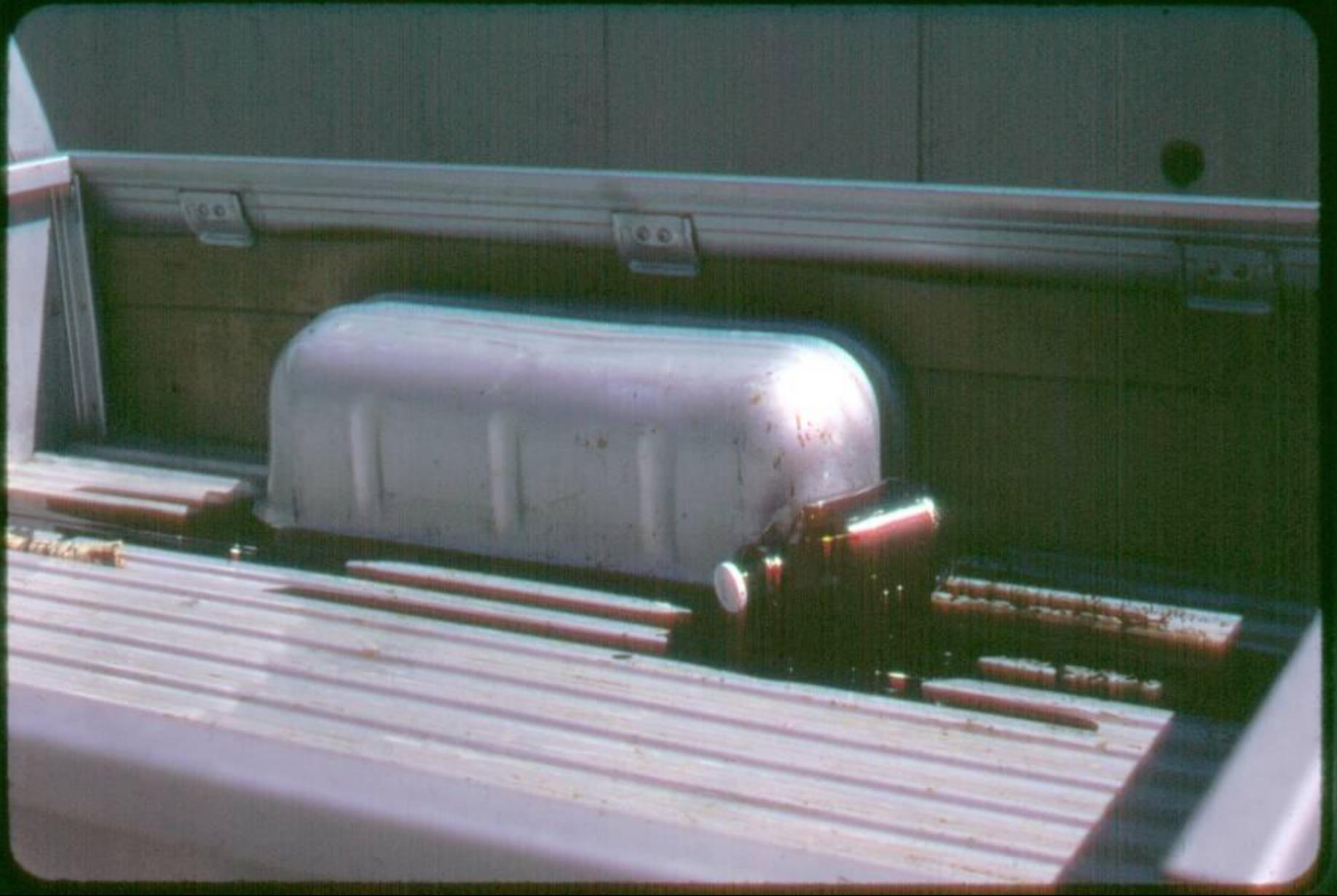
PHHWCF requirements

Discussion..

- Is an inspection log required?
- Participants remain in cars
- Employee training requirements

Drive Thru









Cal EPA
Award
Winning
Facility

Best New
Hazardous
Collection

SMOKING
NO
FLAMMABLE

WARNING

WARNING



Personal protective equipment



Processing Warehouse







CAUTION
HAZARDOUS WASTE
STORAGE AREA
UNAUTHORIZED PERSONS
PROHIBITED

CUIDADO
ZONA DE RESIDUOS
DAÑINOSOS PERIGUOS
LA ENTRADA
Y ESTAR NO AUTORIZADO

EMERGENCY FIRST AID
ZONA DE PRIMEROS AUXILIOS
EMERGENCIAS

EMERGENCY
BLANKET

SMOKE

EXIT

15225A











ELECTRONIC WASTE

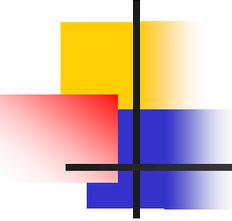
- PRINTERS
- CPU'S
- VCR'S
- CELL PHONES
- TELEPHONES
- RADIOS

TABLE

"UNIVERSAL WASTE ELECTRONIC DEVICE(S)"

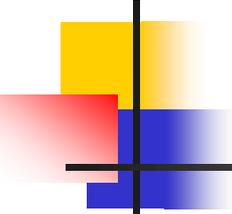


0159183
GAS
CHEMICAL
OWNER
DATE 15



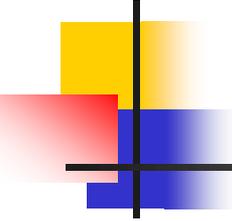
PHHWCF requirements contd..

- Follow written inspection schedules for monitoring equipment, safety, & emergency equipment . Inspection log required?
- Employee Training
- Waste analysis plan (HAZCAT) for unknowns
- Preparedness and Prevention
- Contingency Plan & emergency procedures
- Manifest & record keeping & reporting



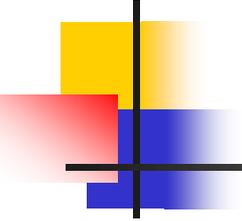
PHHWCF requirements contd..

- Closure
- Use & management of containers
- Use & management of tank systems
- Operation Plan:
 - Copy of the PBR notification/application
 - Copy of CUPA/DTSC authorization letter
 - Copy of financial assurance
 - Copy of inspection plan, inspection schedule, waste analysis plan (HAZCAT)
 - Site supervisor name
 - Copy of plan in case the storage capacity is exceeded (should not happen since waste pickups are known)



PHHWCF requirements contd..

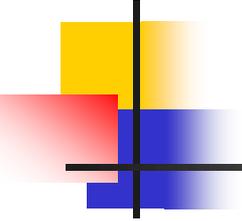
- Procedures if accepting CESQG waste
- Phase I
- All local permits
- Comply with DOT/CHP requirements if required
- Location & Facility Requirements
- Specific Site requirements



What are the volume or weight limits for transporting to a HHW facility?

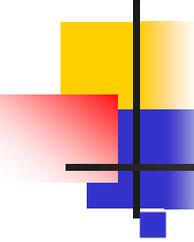
Volume limits on transportation

- Depends on the type of facility you operate
 - Option to increase 5 gal/50 lbs to 15 gal/125 lbs
 - This volume limit excludes small spent batteries transported to HHWCF.
 - HSC, section 25218.5, subsection (b)(1)(A) sets basic limit and
 - HSC, section 25218.5.1 increases limit (ONLY if adequate public education program is in place for packaging and transportation)



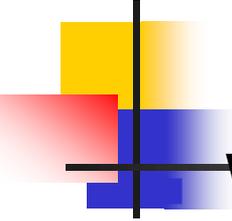
CESQG transporting waste to HHWCF

CESQG volume limits



■ May transport up to 27 gal or 220 lbs, but not more than 100 kg/month to HHWCF, provided CESQG:

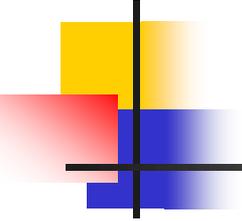
- Transports HW
- CESQG or its employees transport HW in vehicle owned & operated by the CESQG
- Obtains prior approval from HHWCF
- HHWCF provides oral, written or electronic instructions to the CESQG prior to each delivery on proper packaging for safe transportation .
- HHWCF tracks CESQG wastes



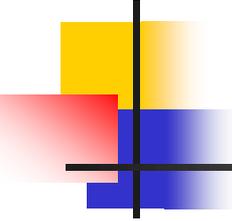
CESQG volume limits contd..

Waste shall be transported in closed containers & packed in manner that prevents containers from tipping, spilling, or breakage during transportation.

- Different CESQG waste shall not be mixed within a container before or during transportation.
- For extremely or acutely HWs, the total amount of waste a CESQG shall transport is limited to 2.2 lbs.
- Recycle-only collections are limited to waste stream amounts per HSC, section 25218.5(c) – [10gal or 100lbs. Up to 2 lead acid batteries & 20 gal used oil in 5gal containers per trip]

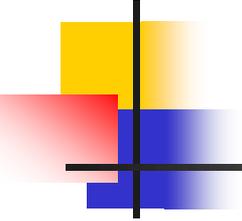


CESQG Criteria used for HHW (HSC 25218.1..)



CESQG Criteria for HHW

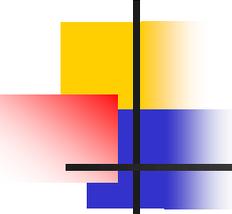
- 100 kg of hazardous waste limit specified in 40 CFR 261.5(a) should be considered to be a criterion when interpreting “criteria specified in 40 CFR section 261.5,” as used in the HSC 25218.1(a) definition of a CESQG.
- The requirements of 40 CFR 261.5(b), (c)-(g) and (j) are counting exclusions, conditions, and exemptions, and thus should not be used.



Does UW counts for HWG
status?

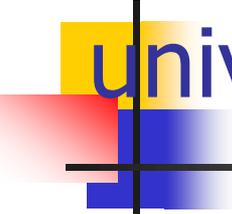
UW Counting for HWG status

- The federal RCRA - UWR expressly prohibits consideration of UW when making any quantity per month determination required by 40 CFR part 261 or part 262 for RCRA hazardous wastes not regulated as RCRA UW. See 40 CFR 262.10(b), which cites to 40 CFR 261.5(c). (DTSC did not adopt either of these sections)]]
- In originally implementing its UW program in 2000, DTSC did not formally adopt the 40 CFR 262.10(b) approach to quantity per month determinations required by chapter 11 or 12 of title 22.



UW Counting contd..

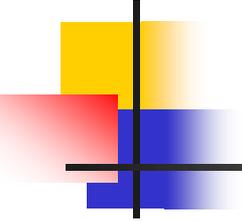
- DTSC's rejection of the 40 CFR 262.10(b) approach supports the conclusion that UW are required to be considered when making any quantity per month determination required by chapter 11 or 12.
- Since adoption of its original emergency UW regulations in 2000, DTSC has adopted final UW regulations, CRT Regulations and Consolidated UW Regulations.



Conditionally exempt small quantity universal waste generator (CESQUWG)

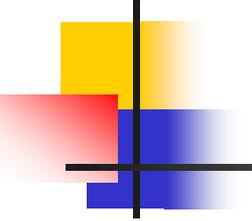
- No more than 100 kg (220 lbs) of RCRA waste, including UW that it regulated by RCRA, and no more than 1 kg (2.2 lbs) of acutely hazardous wastes, and in any calendar month
- Maintain compliance with 40CFR, section 261.5

The definitions sole purpose is to provide an exemption (CCR, T22, section 66273.8) for qualifying universal waste generators from being fully regulated as a universal waste handler.



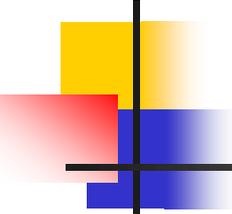
Does the E-Waste collector need public agency authorization in order to collect curbside?

- Not necessarily.
- Curbside collection is allowable by an authorized curbside HHW collection program or by a universal waste transporter. CCR, title 22, section 66273.8 of chapter 23 supports this interpretation, which states that household-generated universal waste can be relinquished to universal waste transporter (e.g., curbside collectors) or to an authorized HHW curbside collection program.



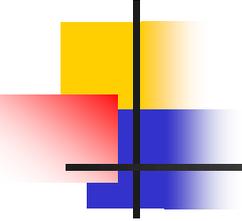
Curbside E-Waste Collector contd..

- A curbside HHW collection program may collect any of several types of hazardous wastes, but needs authorization from the local CUPA and must meet specific conditions in HSC, section 25218.5 (d) [volume restrictions]
- The public agency or its contractor must submit a notification to the CUPA. In contrast, universal waste transporters do not need to notify DTSC or the CUPA.

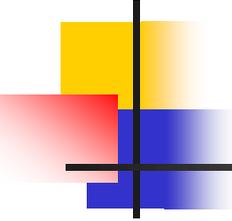


Curbside E-Waste Collector contd..

- They may collect and transport only universal wastes (i.e., not latex paint, used oil, or used oil filters) and must follow the requirements in Article 5 of the universal waste regulations.
- They may store universal waste for up to six days (areas zoned “residential”) or 10 days (in areas zoned “commercial” or “industrial”); a transporter that exceeds these time limits becomes a universal waste handler and must follow all applicable requirements of CCR, title 22, chapter 23, article 3, which includes a requirement to notify DTSC.

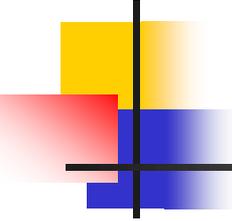


How does the local agency or CUPA monitor the requirements for a curbside collection program?



Curbside monitoring contd...

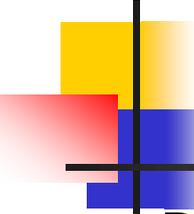
- A universal waste transporter that collects universal waste from the curbside is not an “authorized curbside HHW collection program” and, therefore, is not subject to the requirements.
- A local agency or CUPA has no special authority over universal waste transporters, which are monitored when on the road by the CHP or DTSC. Of course, a local agency that observes broken or abandoned waste should refer the matter to the CUPA (if they aren’t the CUPA) or to DTSC.



If no authorization is required, how does the local agency/CUPA monitor transport and final destination of the waste?

- A local agency or CUPA who knows, or suspects, that a universal waste transporter is out of compliance with the applicable requirements of CCR, title 22, article 5 of chapter 23 (e.g., who observes uncontained breakage, etc.) should submit a formal complaint to DTSC using the online form on our Web site:
http://www.dtsc.ca.gov/database/CalEPA_Complaint/index.cfm.
- You can also submit complaints over the phone or by email (to electronicwaste@dtsc.ca.gov).

HHWCF Checklists:



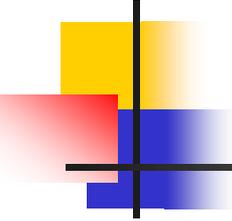
- PHHWCF Checklist has been posted on the following websites: <http://www.calepa.ca.gov/CUPA/Resources/>

http://www.dtsc.ca.gov/PublicationsForms/upload/PHHWCF_Insp_Checklist_2010.pdf

- THHWCF Checklist has been posted on the following websites: <http://www.calepa.ca.gov/CUPA/Resources/>

http://www.dtsc.ca.gov/PublicationsForms/upload/THHWCF_Insp_Checklist_2010.pdf

Questions?



- DTSC Regulatory Assistance Office at (800) 72 TOXIC (1-800-728-6942) or RAO@dtsc.ca.gov
- Asha Arora at (510) 540-3874 or aarora@dtsc.ca.gov
- Waste Alert Hotline (Complaints) (800) 69TOXIC or (1-800-698-6942)
- DTSC Publications Index
http://www.dtsc.ca.gov/PublicationsForms/pubs_index.cfm