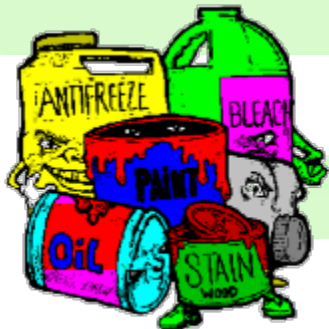


ADVANCED HHW OPERATIONS AND PERMITTING



Larry Sweetser
Sharon Simpson
Billy Puk



Class Objective



- ◎ Review key HHW program elements
- ◎ Provide tools for attendees to navigate the regulatory maze related to the unique aspects of California Household Hazardous Waste programs
- ◎ Your Expectation?



Ground Rules



- ⦿ HHW is unique specialty
- ⦿ Requirements not cover all issues
- ⦿ No one knows everything
- ⦿ Debate is learning
- ⦿ Does every question have an answer?



DTSC Recent Penalties



- ◎ \$4,000 E-waste treatment without approval
- ◎ \$26,500 no accumulation date, drum not closed, no business plan, lack training, no SPCC
- ◎ \$6,800 CRT glass in garbage, broke CRT yoke
- ◎ \$5,000 >90 days storage, labeling
- ◎ \$4,000 no UWED label, no clean up residual



Topics

- ◎ Terms
- ◎ Agencies and Role
- ◎ Permits/Approval
 - PBR
 - Operations plan
- ◎ Operational items
- ◎ Training requirements
- ◎ Reporting
- ◎ Exercises



Terms – You already know

- ◎ Hazardous waste
- ◎ Household Hazardous Waste

- ◎ Health and Safety Code (HSC)
- ◎ Public Resources Code (PRC)
- ◎ California Code of Regulations (CCR)
 - Title 22, 14, 8, etc.



HHW Key Requirements

HSC

- ⦿ 25218 HHW/ CESQG
- ⦿ 25217 Paint
- ⦿ 25160 Transport
- ⦿ 25143 Variance
- ⦿ 117600 Medical waste

PRC

- ⦿ 47550 Liability

Title 22

- ⦿ 67450.4 Temporary
- ⦿ 67450.25 Permanent
- ⦿ 67450.30 Financial
- ⦿ 66273.1 Universal waste
- ⦿ 66270.60 PBR

Title 8

- ⦿ 5192 HAZWOPER



Hazardous Waste - Listed

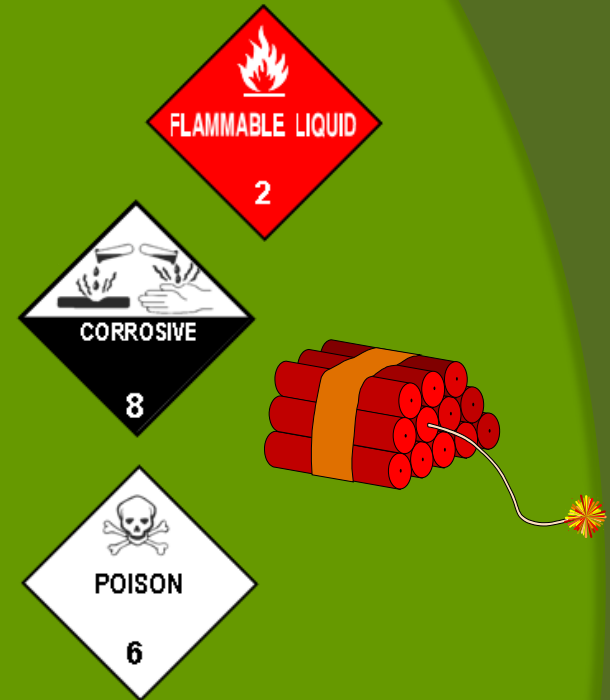
- ◎ Federal lists – F, K, P, U (HHW exempt)
- ◎ Chpt. 11, Appendix X - chemicals
- ◎ Chpt. 11, Appendix X – electronics waste
 1. Cathode ray tube (CRT)-containing devices (CRT devices);
 2. CRTs;
 3. CRT-containing computer monitors;
 4. Liquid crystal display (LCD)-containing laptop computers;
 5. LCD-containing desktop monitors;
 6. CRT-containing televisions;
 7. LCD-containing televisions (excluding LCD projection televisions);
 8. Plasma televisions (excluding plasma projection televisions);
 9. DVD players with LCDs.



Hazardous Waste - Characteristic

- Ignitability
- Corrosivity
- Reactivity
- Toxicity

- Generator Knowledge



Household Hazardous Waste



- ◎ “hazardous waste generated incidental to owning or maintaining a place of residence. Household hazardous waste does not include waste generated in the course of operating a business concern at a residence.”
- ◎ ***Requires local government sponsor***
- ◎ Does not include:
 - Business, non-profits, agencies



Household Hazardous Waste

- ◎ RCRA – Federal hazardous waste
 - Exempt Hazardous Waste – Subtitle C 40CFR 260
 - 40CFR 261.4 (b)(1)
 - Regulated as solid waste – Subtitle D 40CFR 258
- ◎ CERCLA 40CFR 307
 - HHW **not exempt**
- ◎ ***California regulates HHW as hazardous***



California exemption



- ⦿ A city, county, or local agency operating a household hazardous waste collection, recycling, and disposal program in accordance [*with requirements*] is not liable for any damage or injury caused by an action taken by the city, county, or local agency, or an employee or authorized agency of the city, county, or local agency, in the course of the operation of the program, unless the action is performed in bad faith or in a negligent manner. For purposes of this section, it shall be presumed that the action is performed in good faith and without negligence, and this presumption shall affect the burden of proof. PRC 47550



Agencies and Roles

Agencies, Key

- ◎ DTSC
 - CUPA
- ◎ CalRecycle
- ◎ CalOSHA
- ◎ DOT/CHP
- ◎ Department of Public Health
- ◎ Local



DTSC/CUPA



- ◎ Department of Toxic Substances Control
 - State agency hazardous waste
- ◎ Certified Unified Program Agencies
 - Certified by state (5 agencies)
 - CalEPA - certifies
 - DTSC – HW generator & Onsite treatment
 - OES – HazMat Release Response Plan
 - CAL FIRE – HMMP, AST
 - SWRCB - UST



CalRecycle



- ◎ Regulates solid waste
 - HHW grants
 - Used oil certification
 - Load checking
- ◎ Integrated Waste Management Plan (AB 939)
 - HHW Element



CaIOSHA

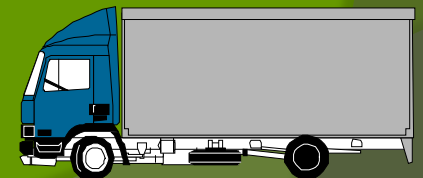
- ◎ Worker safety (Title 8)
 - HAZWOPER 5192
 - Injury Illness Prevention Plan 3203
 - Hazard Communication (& GHS) 5194
 - Bloodborne pathogen 5193
 - PPE including Respiratory protection 2409
 - Heat Illness 3395
 - Et.al.
- ◎ New Technology Program (HAZWOPER)

Title 8, 5192 (p) (5)



DOT/CHP

- ◎ Hazardous materials transportation
 - Can inspect facilities
- ◎ Packaging
- ◎ Shipping names
- ◎ Shipping records
- ◎ Transporter
- ◎ Shipments
- ◎ Security Plan required



Department of Public Health

⦿ Medical waste

- Medical Waste Local Enforcement Agency
- Home-generated sharps
 - Not medical waste until consolidated

⦿ Radiological health



Other

- ◎ Department of Pesticide Regulation
 - Title 3, 6000
- ◎ CDFA - grease management
 - Food & Agricultural 19310



Local

- ⦿ Planning - zoning
- ⦿ Building - design
- ⦿ Fire – bulking, storage
- ⦿ Air - bulking



Permits/Approvals

Permits/Approvals

Local

- ◎ CEQA
- ◎ Use Permit
- ◎ AB 939
- ◎ Home-Generated Sharps Consolidation
- ◎ Tanner Plan

State

- ◎ HW ID Number
- ◎ PBR/Notification
- ◎ Phase I
- ◎ Universal Waste Handler
- ◎ CERS
- ◎ Engineering certificate
 - Tank
 - Building
- ◎ APSA/SPCC



Local

- ◎ CEQA – environmental review
- ◎ Use Permit - zoning
- ◎ AB 939
 - Household Hazardous Waste Element
- ◎ Tanner Plan – County Hazardous Waste Management Plan (HSC § 25199)
 - Siting criteria
 - Plan approved DTSC



Hazardous Waste ID Number

- ◎ Only local agency submitted & issued
- ◎ Commonly CAH000000000
 - Exempt fees HSC 25218.6 (a) & 25205.3
- ◎ If not CAH,
 - Annual verification questionnaire
 - Avoid inactivation
 - Complete with exemption note



Permit-by-Rule/Notification

PBR

- ⦿ Permanent – CUPA Acknowledgement (1094B)
 - List traditional Door-to-Door
- ⦿ Temporary – just submit (Form 8464)
- ⦿ Non-traditional Door-to-Door
 - HSC 25218.5 (g)(2)
 - DTSC determination needs CUPA acknowledgement
 - Sunsets 1/1/20

Notification

- ⦿ Recycle-only – just submit (Form 1171)



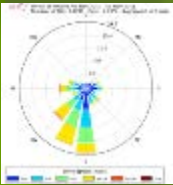
Permit-by-Rule (PBR)

- ⦿ Operator must be Public Agency
- ⦿ PBR submitted to CUPA with Copy to DTSC
- ⦿ Submitted in person or by certified mail with return receipt requested a minimum of 45 days in advance of the event
 - Permanent PBR (DTSC Form 1094B)
- ⦿ Submit Temporary PBR (DTSC Form 8464)



Permanent PBR Form

- ID Operator & Contractor
- List permits
- Identify property ownership
- List waste types
 - Accepted
 - Not accepted
- Identify consolidated wastes
- Waste volume
 - Average total per month
 - Container capacity
- Days/hours of operation
- Facility description
- Attach
 - Plot plan with wind rose
 - Closure financial responsibility
 - Written agreement
- Signed by principal executive officer or ranking elected official
- Operations Plan
 - Required, available, not filed



Permit-by-Rule

VI. ACCEPTANCE AND MANAGEMENT OF SPECIFIC WASTE TYPES

A. Will your facility accept wastes from conditionally exempt small quantity generators? Yes No

B. Will your facility accept waste from any of the following programs, facilities, or transporters?

1. Curbside household hazardous waste collection program? Yes No

2. Door-to-door household hazardous waste collection program? Yes No

3. Temporary household hazardous waste collection facility? Yes No

4. Recycle-only household hazardous waste facility? Yes No

5. Mobile household hazardous waste collection facility? Yes No

6. Registered HW transporter carrying hazardous waste generated by a CESQG? Yes No

7. Registered HW transporter carrying waste from a loadcheck program? Yes No

8. Registered HW transporter carrying abandoned waste under public agency oversight? Yes No

9. Other? Please explain Permanent household hazardous waste facility, universal waste

C. Does your facility categorically exclude any type of waste (e.g. explosives, infectious waste, compressed gas cylinders, etc.)? If so, please list those categories:

Customers are notified that the following wastes are not acceptable: explosives, infectious wastes,

and compressed gas cylinders. If such wastes are delivered, measures will be taken for safe handling and disposal.

PBR Operations

- ⦿ ID Operator & Contractor
- ⦿ Days/hours of operation
- ⦿ List permits
- ⦿ Identify property ownership
- ⦿ Accepted wastes
- ⦿ **Operator certification signed by principal executive officer or ranking elected official**



Closure Financial Responsibility

- ◎ Typically, Certificate of Self-Insurance
 - Form 1220
 - Signed by Public Agency Official
- ◎ Other mechanisms allowed
- ◎ Maximum projected closure cost
- ◎ Adjusted annually for inflation
- ◎ Exempt if
 - Operate less than 30 days/year, or
 - Closure cost estimate <\$10,000



Phase 1 Environmental Assessment

- ◎ Required within one year of starting operations and includes:
 - Facility information
 - Facility history
 - Facility Walk-through inspection
 - Areas of concern
 - Assessment checklist
- ◎ Signature and certification
 - owner, operator, or independent professional engineer, geologist, or an environmental assessor

State of California-California Environmental Protection Agency Department of Toxic Substances Control

TIERED PERMITTING PHASE I ENVIRONMENTAL ASSESSMENT CHECKLIST

SECTION I: FACILITY INFORMATION

Instructions: Complete the following descriptive information about your facility. This information accurately describes the location of your facility and establishes mailing and phone contacts. If facility location and mailing address are identical, you may put "same" into facility mailing address spaces.

Type of Permit: Permit by Rule _____ Conditional Authorization _____

1. CURRENT FACILITY NAME: <small>PAST NAMES (Attach additional pages if necessary):</small>
2. EPA I.D. NUMBER:
3. NAME OF FACILITY OWNER (see definition of owner):
4. NAME OF FACILITY OPERATOR:
5. NAME OF PROPERTY OWNER:
6. FACILITY LOCATION ADDRESS: STREET: CITY: COUNTY: STATE: ZIP CODE:



Operations Plan Differences

Permanent vs. Temporary

Permanent

- ⦿ Continuous base, free of cracks and
Sufficiently impervious
- ⦿ *(Plastic not required)*
- ⦿ Not required to have a separate area for wastes to be transported off-site

Temporary

- ⦿ All waste handling areas (with exception of traffic areas) must be covered with continuous plastic sheeting of at least 6 mil thickness
- ⦿ Punctured or torn plastic must be repaired immediately



Operations Plan, Permanent

- ⦿ Required
- ⦿ Enforceable
- ⦿ No set format
- ⦿ Available for agency review



Operations Plan Components

- Facility information
- Operational procedures
- “Waste Analysis Plan”
- Material Exchange Program Quality Assurance Plan
- Personal Protective Equipment
- Training
- Use and management of containers
- Personnel
- Inclement weather
- CESQG management
- Contingency vs emergency response plan
- Closure
- DOCUMENTS INCLUDED

HANDOUT



Other Plans

- ◎ DOT
 - Hazardous materials security plan (49CFR 172.802)
- ◎ CalOSHA HAZWOPER (T8, 5192 (p))
 - Hazard Communication
 - Medical surveillance
 - Decontamination
 - New technology plan
 - Material handling
 - Emergency Response (Similar to contingency plan)
 - Training



CERS

- ⦿ Hazardous materials inventory
- ⦿ Contacts
- ⦿ Includes annual closure cost renewal

- ⦿ Online submittal only
- ⦿ Not designed for HHW
- ⦿ CUPA dependent completion



Engineering Certificate

- ◎ Independent, professional California Engineer
- ◎ Certify containment
- ◎ Five year renewal

- ◎ Building
- ◎ Storage area including lockers
- ◎ Aboveground Tank



Spill Prevention Control & Countermeasure Plan (SPCC)

- ◎ Aggregate 1,320 gallons “petroleum” materials (& waste) (~24 drums)
 - Storage tank capacity 55 gallons or more
 - Exempts less than 55 gallon (40CFR112.1 (d))
 - Includes cooking oil, antifreeze(?)
- ◎ Need plan
 - Self-certify in some cases
- ◎ Annual inspection & 5 year review
- ◎ Update within 6 months of changes



Aboveground Petroleum Storage Act (APSA)

- ◎ California version
- ◎ Includes Hazardous Waste
- ◎ Five year certification AST



Operational items

Operational items

- ◎ Acceptable/unacceptable wastes
- ◎ Reuse
- ◎ CESQG
- ◎ Inspections
- ◎ Contract management



Acceptable/unacceptable wastes

- ⦿ Advertise not accept
- ⦿ Have plans just in case
- ⦿ CESQG?
- ⦿ Load checking?
- ⦿ Abandoned?



Reuse/Material Exchange



- ◎ The public agency operating a HHW program shall
 - Determine which reusable household hazardous products or materials are suitable and acceptable for distribution to the public in accordance with a quality assurance plan prepared by the public agency.
 - Instruct the recipient to use the product in a manner consistent with the instructions on the label.
- ◎ Business or employer recipient shall be responsible for obtaining MSDS
- ◎ HSC 25218.12.



Waste Reuse/Exchange

- ⦿ No banned, recalled, canceled, restricted or suspended materials
- ⦿ Inspect containers for integrity and contents
- ⦿ Sign form/liability
- ⦿ May charge fee
- ⦿ Track amounts
- ⦿ Limit access?



Conditionally exempt small quantity generator (CESQG)

- ◎ Business concern including government agencies and non-profits
- ◎ Limited to accepting, per calendar month, no more than
 - 100 kilograms (220 pounds) of HW, or
 - 1 kilogram of extremely or an acutely hazardous waste HW
 - ***Does not include Universal Waste***
- ◎ *Not your job to verify status – only limit acceptance (suggest business certify)*

40 CFR 261.5 & Health and Safety Code 25218.3. (b)



CESQG Responsibilities

- ⦿ EPA ID Number Required
- ⦿ CESQG contacts HHW Facility prior to each delivery to confirm waste acceptable
- ⦿ Vehicle owned and operated by the CESQG
- ⦿ Transported in “closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport”
- ⦿ Different wastes shall not be mixed within a container before or during transport



CESQG – HHW Facility Role

- ◎ Provide
 - oral, written, or electronic instructions to the CESQG prior to each delivery
 - Proper packing for the safe transportation of the specific HW being transported
- ◎ Track name, address, and EPA ID Number
- ◎ Track type and quantity of wastes
- ◎ Track fee, if any
- ◎ Refuse amounts over the limit



Inspections

◎ Self-inspection

- Daily Aboveground Waste Tanks (HSC 25270.4.5, T22 66265.195)
- Weekly facility & drums (T22 66265.15)
- Monthly (e.g. SPCC)

◎ Regulatory

- CUPA/DTSC checklist
- Others – CHP, Fire, ...

◎ Combine, make complete, simple

PERMIT BY RULE
PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY
INSPECTION CHECKLIST

NOTE: Violations cited below are from California Health and Safety Code (HSC), sections 25100 et seq. and Title 22, California Code of Regulations (Cal. Code Regs.), section 67450.25 that includes requirements from Chapter 12 (use applicable portions of the Generator Checklist), Chapter 15, Articles 2 through 7, 9 and 10 (use applicable portions of the ISD checklist), in addition to the following requirements:

CHECKLIST ELEMENT	YES	NO	COMMENT
A. SUBMITTALS: Has the following document been submitted by the operator (sponsor agency) of the PHHWCF?			
1. PHHWCF Permit by Rule Notification form (DTSC 1094B) (11/08) to CUPA/ or DTSC (if no CUPA). [Title 22, Cal. Code Regs., section 66270.60(d)(6)(A)]	—	—	—



Contract Management

- ◎ Roles & responsibilities
- ◎ Liabilities
- ◎ Arrange for disposal
- ◎ Wastes
- ◎ Costs



Training requirements

Training Requirements

- ◎ HAZWOPER (24-hour initial & 8-hr annual)
- ◎ Universal Waste
- ◎ DOT Hazardous Materials Transportation
- ◎ Personal Protective Equipment
- ◎ Bloodborne pathogens
- ◎ Others



Reporting

HHW Reports & Due Dates

Report	Period	Due
Form 303	7/1 – 6/30	10/1
Universal Waste (e-waste)	1/1 – 12/31	2/1
Covered E-waste, Net Cost	1/1 – 12/31	3/1
Used Oil Annual Report	7/1 – 6/30	8/15
Used Oil Annual (collection)	1/1 – 12/31	8/15
Electronic Annual Report AB 939	1/1 – 12/31	8/1
CERS	1/1 – 12/31	3/1 *
Treated Wood Waste	1/1-6/30 & 7/1-12/31	7/30 & 1/30

* Maybe anniversary date of initial filing



EXERCISES



HHW Regulatory Methodology



1. No one knows everything
2. Requirements do not always make sense
3. Clearly ID issue & understand application
4. Many twists, turns, and exceptions
5. Avoid bias ... somewhat
6. Verify definitions
7. Do your homework, Don't just ask
8. Build defensible direction
9. Don't be afraid of the rabbit hole



Exercises



- ◎ 6 groups – 2 rounds
- ◎ Two groups work on same question (30min)
 - Worksheet
 - List issues & references
 - Answer with justification
- ◎ One group presents each question (10 min)
 - 10 minutes x 3 groups
 - Other group adds comments
- ◎ Instructors and class critique



Round 1

- A. Can a HHW program accept CESQG sharps?
- B. How can oil-based paint under PaintCare be accepted at a Recycle-only facility?
- C. Under what conditions and limitations can a government agency self transport HHW?



Round 2

- D. What are limitations apply for transporting the following waste to a permanent HHWF?
- Temporary
 - Load check
 - Abandoned
 - Remote permanent HHW facility
- E. Why and how can propane be shipped on a bill of lading?
- F. Can vacuum cleaners go as garbage?

