

|->

Title 22@ Social Security

|->

Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

|->

Chapter 10@ Hazardous Waste Management System: General

|->

Article 2@ Definitions

|->

Section 66260.2@ Availability of Information; Confidentiality of Information

66260.2 Availability of Information; Confidentiality of Information

(a)

Any information provided to the Department pursuant to this division will be made available to the public to the extent and in the manner authorized by section 3007(b) of RCRA and the California Public Records Act (Government Code section 6250 et seq.), and EPA regulations set forth in 40 CFR Part 2, as applicable.

(b)

Except as provided under subsection (c) of this section, any person who submits information to the Department in accordance with 40 Code of Federal Regulations Parts 260 through Part 266 and Part 268 or chapters 10 through 16 and chapter 18 of this division may assert a claim of business confidentiality covering part or all of that information by following the procedures set forth in 40 Code of Federal Regulations section 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA or the Department only to the extent, and by means of the procedures, set forth in this division except that information required by 40 Code of Federal Regulations section 262.83 and section 66262.83 that is submitted in a notification of intent to export a hazardous waste will be provided to the U.S. Department of State and the appropriate authorities in the transit and receiving or importing countries regardless of any claims of confidentiality.

However, if no such claim accompanies the information when it is received by the

Department, it may be made available to the public without further notice to the person submitting it. (1) Information covered by such a claim will be disclosed by the Department only to the extent, and by means of the procedures, set forth in Part 2, Subpart B, of 40 Code of Federal Regulations except that information required by section 66262.83 which is submitted in a notification of intent to export a hazardous waste pursuant to section 66262.83 will be provided to the U.S. Department of State and the appropriate authorities in a receiving country regardless of any claims of confidentiality.

(1)

Information covered by such a claim will be disclosed by the Department only to the extent, and by means of the procedures, set forth in Part 2, Subpart B, of 40 Code of Federal Regulations except that information required by section 66262.83 which is submitted in a notification of intent to export a hazardous waste pursuant to section 66262.83 will be provided to the U.S. Department of State and the appropriate authorities in a receiving country regardless of any claims of confidentiality.

(c)

(1) After August 6, 2014, no claim of business confidentiality may be asserted by any person with respect to information entered on a Hazardous Waste Manifest (EPA Form 8700-22), a Hazardous Waste Manifest Continuation Sheet (Form 8700-22A), or an electronic manifest format that may be prepared and used in accordance with 40 Code of Federal Regulations section 262.20(a)(3). (2) U.S. EPA will make any electronic manifest that is prepared and used in accordance with 40 Code of Federal Regulations section 262.20(a)(3), or any paper manifest that is submitted to the e-Manifest System under 40 Code of Federal Regulations sections 264.71(a)(6) or 265.71(a)(6), available to the public under 40 Code of Federal Regulations section 260.2(c)(2) when the electronic or paper manifest is a

complete and final document. Electronic manifests and paper manifests submitted to the e-Manifest System are considered by U.S. EPA to be complete and final documents and publicly available information after 90 days have passed since the delivery to the designated facility of the hazardous waste shipment identified in the manifest.

(1)

After August 6, 2014, no claim of business confidentiality may be asserted by any person with respect to information entered on a Hazardous Waste Manifest (EPA Form 8700-22), a Hazardous Waste Manifest Continuation Sheet (Form 8700-22A), or an electronic manifest format that may be prepared and used in accordance with 40 Code of Federal Regulations section 262.20(a)(3).

(2)

U.S. EPA will make any electronic manifest that is prepared and used in accordance with 40 Code of Federal Regulations section 262.20(a)(3), or any paper manifest that is submitted to the e-Manifest System under 40 Code of Federal Regulations sections 264.71(a)(6) or 265.71(a)(6), available to the public under 40 Code of Federal Regulations section 260.2(c)(2) when the electronic or paper manifest is a complete and final document. Electronic manifests and paper manifests submitted to the e-Manifest System are considered by U.S. EPA to be complete and final documents and publicly available information after 90 days have passed since the delivery to the designated facility of the hazardous waste shipment identified in the manifest.