

66260.10 Definitions

When used in this division, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" in section 66260.10 and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Accidental occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury, property damage or environmental degradation neither expected nor intended from the standpoint of the insured.

"Accumulated speculatively" means that a material is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that, during the calendar year (commencing on January 1), the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from

regulation under section 66261.4 are not to be included in making the calculation. (Materials that are already defined as wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.

"Active life" or "Operating life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Department receives certification of final closure.

"Active portion" means that portion of a facility where transfer, treatment, storage or disposal operations are being or have been conducted after November 19, 1980 and which is not a closed portion.

"Activity" means any activity that is subject to regulation under this division.

"Acute aquatic 96-hour LC " means the concentration of a substance or mixture of substances in water, in milligrams per liter, which produces death within 96 hours in half of a group of at least 10 test fish.

"Acute dermal LD " means the dose of a substance or mixture of substances, in milligrams per kilogram of test animal body weight, which, when applied continuously to the bare skin for 24 hours, produces death within 14 days in half of a group of 10 or more rabbits.

"Acute inhalation LC " means the lowest concentration of a substance or mixture of substances in air, other than acute inhalation LD in parts per million by volume if the substance or mixture of substances is a gas or vapor, reported to have caused death in humans or animals.

"Acute inhalation LC " means the concentration of a substance or mixture of substances in air, in parts per million by volume if the substance or mixture of substances is a gas or vapor, which when inhaled continuously for 8 hours by a group of 10 or more laboratory white rats, each weighing between 200 and 300

grams, produces death in half the group within 14 days.

"Acute LD " means the lowest dose, other than an acute LD of a substance or mixture of substances, in milligrams per kilogram body weight introduced orally or dermally over any given period of time in one or more divided portions and reported to have caused death in humans or animals.

"Acute oral LD " means the dose of a substance or mixture of substances, in milligrams per kilogram of test animal body weight, which, when administered orally as a single dose, produces death within 14 days in half of a group of 10 or more laboratory white rats which have fasted for 24 hours immediately prior to administration of the dose, and which weigh between 200 and 300 grams each.

"Acute toxicity" Means the ability of a substance or mixture of substances to cause injury, illness or damage to humans, animals or other living organisms by a single exposure of a duration measured in seconds, minutes, hours or days or, in the case of oral ingestion, by a single dose.

"Acute hazardous waste" see "Acutely hazardous waste."

"Acutely hazardous waste" or "Acute hazardous waste" means hazardous wastes that meet the listing criteria in section 261.11(a)(2) of 40 Code of Federal Regulations and therefore are either listed in section 66261.31 with the assigned hazard code of (H) or are listed in section 66261.33 of this division.

"Administrator" see "USEPA Administrator."

"Admitted carrier" means an insurance company entitled to transact the business of insurance in this state, having complied with the laws imposing conditions precedent to transactions of such business.

"AES filing compliance date" means the date that U.S. EPA announces in the Federal Register, on or after which exporters of hazardous waste and exporters of cathode ray tubes for recycling are required to file U.S. EPA information in the Automated

Export System or its successor system, under the International Trade Data System (ITDS) platform.

"Affected medium" means any medium (e.g., ground water, surface water or the unsaturated zone) that has been affected by a release from a regulated unit.

For the purposes of chapters 14 and 15, "Air stripping operation" is a desorption operation employed to transfer one or more volatile components from a liquid mixture into a gas (air) either with or without the application of heat to the liquid. Packed towers, spray towers, and bubble-cap, sieve, or valve-type plate towers are among the process configurations used for contacting the air and a liquid.

"Airbag waste" means any hazardous waste airbag modules or hazardous waste airbag inflators.

"Airbag waste collection facility" means any facility that receives airbag waste from airbag waste handlers in compliance with section 66261.4 of this division and accumulates the waste for more than ten days.

"Airbag waste handler" means any person, by site, who generates airbag waste, as defined in section 66260.10 of this division, that is subject to regulation under this division.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves and pumps, that is used to distribute, meter or control the flow of hazardous waste from its point of generation to a storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal offsite.

"Applicant" means a person who applies to the Department or to the USEPA for a permit, registration, certification or permission to take specified action, pursuant to the provisions of this division.

"Application" means

(a)

the USEPA standard national forms for applying for a permit (Form EPA 8700-23, Revised 1/90) and the information required by the Department under sections 66270.14 through 66270.29 (contents of Part B of the application); or

(b)

the forms approved by the Department for applying for registration as a hazardous waste hauler. These forms are: Form DTSC 187, revised 2/92: Hazardous Waste Hauler Application Form DTSC 8025, revised 2/92: Application for Vehicle/container inspection Form DTSC 8038, revised 2/93: Certificate of insurance Form DHS 8430, revised 3/89: Disclosure Statement

"Aquifer" means a geologic formation, group of formations or part of a formation capable of yielding a significant amount of ground water to wells or springs.

"Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Authorized agency" means, in a jurisdiction where there is no CUPA, the agency authorized to continue its role, responsibilities and authority pursuant to section 25404.3 of the Health and Safety Code to implement and enforce the requirements identified in paragraph (1) of subdivision (c) of section 25404 of the Health and Safety Code. In those instances when the Department is the authorized agency, the Department is not limited from exercising any authority it otherwise has under the Health and Safety Code and Title 22 of the California Code of Regulations.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

"Average volatile organic concentration" or "average VO concentration" means the mass-weighted average volatile organic concentration of a hazardous waste as

determined in accordance with the requirements of section 66265.1084 .

"Background monitoring point" means a well, device or location specified in the facility permit at which monitoring for background water, soil, air or soil-vapor quality is conducted.

"Bioaccumulative toxic substance" means a toxic substance that concentrates in living organisms through direct assimilation or food chain accumulation.

"Bodily Injury" means

(a)

any injury that causes physical pain, illness or any impairment of physical condition; or

(b)

for the purposes of chapter 13 of this division, "bodily injury" means injury to the body, sickness or disease to any person, including death resulting from any of these.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

(a)

(1) the unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids or heated gases; and (2) the unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterfalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be

physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and (3) while in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and (4) the unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

(1)

the unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids or heated gases; and

(2)

the unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterfalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

(3)

while in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(4)

the unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

(b)

the unit is one which the USEPA Regional Administrator has determined, on a case-by-case basis, to be a boiler, after considering the standards in 40 CFR section 260.32. For the purposes of chapters 14 and 15, "Bottoms receiver" means a container or tank used to receive and collect the heavier bottoms fractions of the distillation feed stream that remain in the liquid phase.

"Buffer zone" means an area of land which surrounds a hazardous waste facility and on which certain land uses and activities are restricted to protect the public health and safety and the environment from existing or potential hazards caused by the migration of hazardous waste.

"Bulk container" means any container or container-like vehicle, other than a vessel or a barge, with a capacity greater than 119 gallons (450 liters), which is used to transport hazardous waste(s), hazardous material(s), hazardous substance(s), or recyclable material(s) in bulk by air, highway, rail, or water, including, but not limited to, cargo tanks, vacuum trucks, roll-off bins, rail tank cars, and intermodal containers.

"Bulking" means the process of consolidating various quantities of the same type of

waste by placing them into a single, larger container.

"Business" means the conduct of an activity and is not limited to a commercial or proprietary activity.

"Business concern" means any sole proprietorship, corporation, association, firm, partnership, trust or other form of commercial organization.

"By-product" is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process.

Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Cargo tank" means any tank permanently attached to, or a structural part of, a vehicle; or any bulk liquid or compressed gas packaging that is not permanently attached to a vehicle and by reason of its size, construction or method of attachment is filled or emptied without removal from the vehicle. The term does not include tanks that furnish fuel for propulsion of motor vehicle, or auxiliary equipment on which they are installed or any packaging fabricated to cylinder specifications.

"Cathode ray tube" or "CRT" means a vacuum tube or picture tube used to convert an electrical signal into a visual image.

"Central Accumulation Area" means any on-site hazardous waste accumulation area with hazardous waste accumulating in units subject to either section 66262.16 (for small quantity generators) or section 66262.17 of this division (for large quantity generators).

"Certification" means a statement of professional opinion based upon knowledge

and belief.

"Certified Unified Program Agency (CUPA)" means the agency certified pursuant to the requirements of Chapter 6.11 and Title 27, CCR.

"Chemical of Potential Concern" or "COPC" means a chemical or chemical constituent at or from the facility that is present in soil, water or air, at a concentration that may pose a risk, and is potentially due to facility related activities or contamination. This definition is solely for purposes of the health risk assessment process pursuant to section 66270.14 .

"Chemical toilet" means any portable or permanently installed sanitation apparatus or system which utilizes a tank for toilet waste retention and into which a chemical toilet additive is added.

"Chemical toilet additive" means any chemical substance, biological agent, other material or formulation thereof, which is employed for the primary purpose of controlling waste decomposition and odors in a chemical toilet holding tank or any tank in which chemical toilet wastes are held, collected or transported. The term "chemical toilet additive" includes, but is not limited to, a chemical substance, biological agent or other material which is a deodorant, bactericide, bacteriostat, microbiocide, chemical reactant, surfactant or enzymatic agent.

"Chemical toilet waste" means the waste in or from a chemical toilet.

"Chronic toxicity" means the ability of a substance or mixture of substances to cause injury, illness or damage to humans, animals or other living organisms by prolonged or repeated exposure or consumption over a period of days, weeks, months or years.

"Class I Violation" means:

(a)

a deviation from the requirements specified in Chapter 6.5 of Division 20 of the

Health and Safety Code, or regulations, permit or interim status document conditions, standards, or requirements adopted pursuant to that chapter, that represents a significant threat to human health or safety or the environment, because of (1) the volume of the waste; (2) the relative hazard of the waste; or (3) the proximity of the population at risk, or that is significant enough that it could result in a failure to accomplish the following: (A) Assure that hazardous wastes are destined for and delivered to an authorized hazardous waste facility; (B) Prevent releases of hazardous waste or constituents to the environment during the active or post closure period of facility operation; (C) Assure early detection of such releases; (D) Assure adequate financial resources in the case of releases; or (E) Assure adequate financial resources to pay for facility closure; (F) Perform emergency clean-up operation or other corrective action for releases; or

(1)

the volume of the waste;

(2)

the relative hazard of the waste; or

(3)

the proximity of the population at risk, or that is significant enough that it could result in a failure to accomplish the following: (A) Assure that hazardous wastes are destined for and delivered to an authorized hazardous waste facility; (B) Prevent releases of hazardous waste or constituents to the environment during the active or post closure period of facility operation; (C) Assure early detection of such releases; (D) Assure adequate financial resources in the case of releases; or (E) Assure adequate financial resources to pay for facility closure; (F) Perform emergency clean-up operation or other corrective action for releases; or

(A)

Assure that hazardous wastes are destined for and delivered to an authorized hazardous waste facility;

(B)

Prevent releases of hazardous waste or constituents to the environment during the active or post closure period of facility operation;

(C)

Assure early detection of such releases;

(D)

Assure adequate financial resources in the case of releases; or

(E)

Assure adequate financial resources to pay for facility closure;

(F)

Perform emergency clean-up operation or other corrective action for releases; or

(b)

The deviation is a Class II violation which is a chronic violation or committed by a recalcitrant violator.

"Class II Violation" means a deviation from the requirements specified in Chapter 6.5 of Division 20 of the Health and Safety Code, or regulations, permit or interim status document conditions standards, or requirements adopted pursuant to that chapter, that is not a Class I violation.

"Closed portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements and for which the Department has released the owner and operator from the financial assurance requirements for closure under section 66264.143 or section 66265.143 .

For the purposes of chapters 14 and 15, "Closed-vent system" means a system that

is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device.

"Closure" means the act of closing a hazardous waste management facility or hazardous waste management unit to pursuant the requirements of chapters 14 and 15 of this division.

"Closure device" means a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover such that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

"Closure period" means the period during which a unit at a hazardous waste management facility is being closed according to an approved closure plan.

"Closure plan" means the plan for closure prepared in accordance with section 66264.112 or section 66265.112 .

"Commence" means to receive the first delivery of waste.

"Component" means any constituent part of a unit or any group of constituent parts of a unit which are assembled to perform a specific function (e.g., a tank or ancillary equipment of a tank system, a pump seal, pump, kiln liner, kiln thermocouple).

"Concentration limit" means the value for a constituent specified in the water quality protection standard or environmental protection standard including, but not limited to, values for concentration, temperature, pH, conductivity and resistivity.

For the purposes of chapters 14 and 15, "Condenser" means a heat-transfer device that reduces a thermodynamic fluid from its vapor phase to its liquid phase.

"Confined aquifer" means an aquifer bounded above and below by impermeable

beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined ground water.

For the purposes of chapters 14 and 15, "Connector" means flanged, screwed, welded, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. For the purposes of reporting and recordkeeping, connector means flanged fittings that are not covered by insulation or other materials that prevent location of the fittings.

"Consignee" means the ultimate treatment, storage or disposal facility in a receiving country to which the hazardous waste will be sent.

"Consignment state" or "Destination state" means the state to which the shipment is manifested. This definition takes effect on September 5, 2006.

"Consolidated Manifest" means a hazardous waste manifest used by a milkrun or consolidated transporter to combine hazardous waste shipments from multiple generators on one consolidated manifest pursuant to the procedures in Health and Safety Code section 25160.2 .

"Consolidated Transporter" means a hazardous waste transporter registered pursuant to Health and Safety Code section 25165 and the regulations adopted by the Department who has notified the Department pursuant to Health and Safety Code section 25165 of its intent to use the consolidated manifesting procedures set forth in Health and Safety Code section 25160.2 .

"Constituents of concern" means any waste constituents, reaction products and hazardous constituents that are reasonably expected to be in or derived from waste contained in a regulated unit.

"Container" means any device that is open or closed, and portable in which a material can be stored, handled, treated, transported, recycled or disposed of.

"Containment building" means a hazardous waste management unit that is used to

store or treat hazardous waste under the provisions of article 29 of chapters 14 or 15 of this division.

"Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

For the purposes of chapters 14 and 15, "Continuous recorder" means a data-recording device recording an instantaneous data value at least once every 15 minutes.

"Continuous seal" means a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

"Control chart" means a graphical method for evaluating whether a process is or is not in a state of statistical control.

For the purposes of chapters 14 and 15, "Control device" means an enclosed combustion device, vapor recovery system, or flare. Any device the primary function of which is the recovery or capture of solvents or other organics for use, reuse, or sale (e.g., a primary condenser on a solvent recovery unit) is not a control device.

For the purposes of chapters 14 and 15, "Control device shutdown" means the cessation of operation of a control device for any purpose.

"Corrective action management unit" means an area within a facility that is designated by the Department under article 15.5 of chapter 14 of this division, for the purpose of implementing corrective action requirements under articles 6, 15.5,

or 17 of chapter 14 of this division or article 18 of chapter 15 of this division, Health and Safety Code sections 25200.10 or 25187 , or section 25358.9 where as provided for under the provisions of that section the Department has excluded the removal or remedial action at a site from the hazardous waste facilities permit required by Health and Safety Code section 25201 , or federal RCRA section 3005 [6925] . A corrective action management unit shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

"Corrosion expert" means a person who, by reason of that person's knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Cover" means a device that provides a continuous barrier over the hazardous waste managed in a unit to prevent or reduce air pollutant emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, gauge wells) that are necessary for operation, inspection, maintenance, and repair of the unit on which the cover is used. A cover may be a separate piece of equipment which can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit.

"Covered container" means any container which is equipped with a cover or other device that will prevent the escape of a liquid or solid substance when closed.

"CRT" see "Cathode ray tube."

"CRT device" means any electronic device that contains one or more CRTs including, but not limited to, computer monitors, televisions, cash registers and oscilloscopes.

"Current assets" means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

"Current closure cost estimate" means the most recent of the estimates prepared in accordance with section 66264.142 or section 66265.142 .

"Current liabilities" means obligations for which liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

"Current plugging and abandonment cost estimate" means the most recent of estimates prepared in accordance with 144.62 incorporated by reference in section 66260.11 of this chapter.

"Current postclosure cost estimate" means the most recent of the estimates prepared in accordance with section 66264.144 or section 66265.144 .

"Day" means a calendar day. Periods of time are calculated by excluding the first day and including the last. Except, if the last day is a Saturday, Sunday or other holiday specified in Government Code section 6700 it is also excluded.

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: A manufactured object; or plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in article 4 of chapter 18 of this division, namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous

waste that are not ruptured and that retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by section 66268.45 and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"Decontaminate" means to make free of wastes that are hazardous pursuant to the criteria in chapter 11 of this division.

"Department" means the Department of Toxic Substances Control.

"Designated facility" means a hazardous waste transfer, treatment, storage, or disposal facility which has received a permit (or a facility with interim status) in accordance with the requirements of chapters 20 and 21 of this division, a permit from a State authorized in accordance with part 271 of title 40 CFR, or that is regulated under chapter 16 of this division, or has received a permit, a grant of interim status, or a variance to operate without a permit or grant of interim status from the Department, or is otherwise authorized by law to receive specific hazardous wastes, and that has been designated on the manifest by the generator pursuant to section 66262.20 . This definition is repealed as of September 5, 2006.

"Designated facility" means

(1)

a hazardous waste transfer, treatment, storage, or disposal facility which has received a permit (or a facility with interim status) in accordance with the requirements of chapters 20 and 21 of this division, or

(2)

has received a permit from a State authorized in accordance with part 271 of 40 Code of Federal Regulations, or

(3)

that is regulated under chapter 16 of this division, or

(4)

has received a permit, a grant of interim status, or a variance to operate without a permit or grant of interim status from the Department, or

(5)

is otherwise authorized by law to receive specific hazardous wastes, and

(6)

that has been designated on the manifest by the generator pursuant to section 66262.20. Designated facility also means a generator site designated on the manifest to receive its waste as a return shipment from a facility that has rejected the waste in accordance with sections 66264.72 subsection (f) or 66265.72 subsection (f). If a waste is destined to a facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, then the designated facility shall be a facility allowed by the Receiving state to accept such waste. This definition takes effect on September 5, 2006.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in paragraphs (a) and (c) of sections 273.13 and 273.33 of 40 Code of Federal Regulations and section 66273.33 . A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

"Destination state" see "Consignment state". This definition takes effect on September 5, 2006.

"Dike" means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids or other materials.

"Director" means the State Department of Toxic Substances Control Director, or an authorized representative.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous waste into or on any land or water.

"Disclosure statement," as defined by Health and Safety Code section 25112.5 , means the following:

(a)

a statement submitted to the Department by an applicant, signed by the applicant under penalty of perjury, which includes all of the following information:(1) the full name, any previous name or names, business address, social security number and driver's license number of all of the following: (A) the applicant; (B) any officers, directors or partners, if the applicant is a business concern; (C) all persons or any officers, partners, or any directors if there are no officers, of business concerns holding more than five percent of the equity in, or debt liability of the applicant, except that if the debt liability is held by a lending institution, the applicant shall only supply the name and address of the lending institution; (2) Except as provided in subdivision (b), the following persons listed on the disclosure statement shall properly submit completed fingerprint images and related identification information:(A) the sole proprietor; (B) the partners; (C) all persons listed in subparagraph (C) of paragraph (1) and any officers or directors of the applicant company as required by the Department; (3) if fingerprint images and related identification information are submitted for purposes of paragraph (2), the fingerprint images and related identification information shall be submitted for any person required by paragraph (2) only once. If there is a change in the person serving in a position for which fingerprint images and related identification information are required to be submitted pursuant to paragraph (2), fingerprint images and related identification information shall be captured and submitted for

that person. Fingerprint images and the related identification information may be obtained using the Department of Justice's electronic fingerprint network. (4) the full name and business address of any business concern which generates, transports, treats, stores, recycles, disposes of or handles hazardous waste and hazardous materials in which the applicant holds at least a five percent debt liability or equity interest; (5) a description of any local, state, or federal licenses, permits, or registrations for the generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials applied for, or possessed by the applicant, or by the applicant under any previous name or names, in the five years preceding the filing of the statement, or, if the applicant is a business concern, by the officers, directors, or partners of the business concern, including the name and address or the issuing agency; (6) a listing and explanation of any final administrative orders or license revocations or suspensions issued or initiated by any local, state or federal authority, in the five years immediately preceding the filing of the statement, or any civil or criminal prosecutions filed in the five years immediately preceding, or pending at the time of, the filing of the statement, with any remedial actions or resolutions if applicable, relating to the generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials received by the applicant, or by the applicant under any previous name or names, or, if the applicant is a business concern, by any officer, director or partner of the business concern; (7) a listing of any agencies outside of the state which regulate, or had regulated, the applicant's, or the applicant's under any previous name or names, generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials in the five years preceding the filing of the disclosure statement; (8) a listing and explanation of any federal or state conviction,

judgment, or settlement, in the five years immediately preceding the filing of the statement, with any remedial actions or resolutions if applicable, relating to the generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials by the applicant, or by the applicant under any previous name or names, or if the applicant is a business concern, by any officer, director or partner of the business concern; (9) a listing of all owners, officers, directors, trustees and partners of the applicant who have owned, or been an officer, director, trustee or partner of, any company which generated, transported, treated, stored, recycled, disposed of, or handled hazardous wastes or hazardous materials and which was the subject of any of the actions described in paragraphs (6) and (8) for the five years preceding the filing of the statement.

(1)

the full name, any previous name or names, business address, social security number and driver's license number of all of the following: (A) the applicant; (B) any officers, directors or partners, if the applicant is a business concern; (C) all persons or any officers, partners, or any directors if there are no officers, of business concerns holding more than five percent of the equity in, or debt liability of the applicant, except that if the debt liability is held by a lending institution, the applicant shall only supply the name and address of the lending institution;

(A)

the applicant;

(B)

any officers, directors or partners, if the applicant is a business concern;

(C)

all persons or any officers, partners, or any directors if there are no officers, of business concerns holding more than five percent of the equity in, or debt liability of the applicant,

except that if the debt liability is held by a lending institution, the applicant shall only supply the name and address of the lending institution;

(2)

Except as provided in subdivision (b), the following persons listed on the disclosure statement shall properly submit completed fingerprint images and related identification information: (A) the sole proprietor; (B) the partners; (C) all persons listed in subparagraph (C) of paragraph (1) and any officers or directors of the applicant company as required by the Department;

(A)

the sole proprietor;

(B)

the partners;

(C)

all persons listed in subparagraph (C) of paragraph (1) and any officers or directors of the applicant company as required by the Department;

(3)

if fingerprint images and related identification information are submitted for purposes of paragraph (2), the fingerprint images and related identification information shall be submitted for any person required by paragraph (2) only once. If there is a change in the person serving in a position for which fingerprint images and related identification information are required to be submitted pursuant to paragraph (2), fingerprint images and related identification information shall be captured and submitted for that person. Fingerprint images and the related identification information may be obtained using the Department of Justice's electronic fingerprint network.

(4)

the full name and business address of any business concern which generates,

transports, treats, stores, recycles, disposes of or handles hazardous waste and hazardous materials in which the applicant holds at least a five percent debt liability or equity interest;

(5)

a description of any local, state, or federal licenses, permits, or registrations for the generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials applied for, or possessed by the applicant, or by the applicant under any previous name or names, in the five years preceding the filing of the statement, or, if the applicant is a business concern, by the officers, directors, or partners of the business concern, including the name and address or the issuing agency;

(6)

a listing and explanation of any final administrative orders or license revocations or suspensions issued or initiated by any local, state or federal authority, in the five years immediately preceding the filing of the statement, or any civil or criminal prosecutions filed in the five years immediately preceding, or pending at the time of, the filing of the statement, with any remedial actions or resolutions if applicable, relating to the generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials received by the applicant, or by the applicant under any previous name or names, or, if the applicant is a business concern, by any officer, director or partner of the business concern;

(7)

a listing of any agencies outside of the state which regulate, or had regulated, the applicant's, or the applicant's under any previous name or names, generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials in the five years preceding the filing of the disclosure statement;

(8)

a listing and explanation of any federal or state conviction, judgment, or settlement, in the five years immediately preceding the filing of the statement, with any remedial actions or resolutions if applicable, relating to the generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials by the applicant, or by the applicant under any previous name or names, or if the applicant is a business concern, by any officer, director or partner of the business concern;

(9)

a listing of all owners, officers, directors, trustees and partners of the applicant who have owned, or been an officer, director, trustee or partner of, any company which generated, transported, treated, stored, recycled, disposed of, or handled hazardous wastes or hazardous materials and which was the subject of any of the actions described in paragraphs (6) and (8) for the five years preceding the filing of the statement.

(b)

Notwithstanding paragraph (2) of subdivision (a), a corporation, the stock of which is listed on a national securities exchange and registered under the Securities Exchange Act of 1934 (15 U.S.C. Sec. 78a et seq.), or a subsidiary of such a corporation, is not subject to the fingerprint requirements of subdivision (a).

(c)

In lieu of the statement specified in subdivision (a), a corporation, the stock of which is listed on a national securities exchange or on the National Market System of the NASDAQ Stock Market and registered under the Securities Exchange Act of 1934 (15 U.S.C. section 78a et seq.), or a subsidiary of such a corporation, may submit to the Department copies of all periodic reports, including, but not limited to, those reports required by Section 78m of title 15 of the United States Code and Part 229 (commencing with Section 229.10) of chapter II of title 17 of the Code of

Federal Regulations that the corporation or subsidiary has filed with the Securities and Exchange Commission in the three years immediately preceding the submittal, if the corporation or subsidiary thereof has held a hazardous waste facility permit or operated a hazardous waste facility under interim status pursuant to Health and Safety Code section 25200 or 25200.5 since January 1, 1984.

"Disposal" means:

(a)

the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters;

(b)

the abandonment of any waste.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure. The term "disposal facility" does not include a corrective action management unit into which remediation wastes are placed.

"Disposal site" means the location where any final deposition of hazardous waste occurs.

For the purposes of chapters 14 and 15, "Distillate receiver" means a container or tank used to receive and collect liquid material (condensed) from the overhead condenser of a distillation unit and from which the condensed liquid is pumped to larger storage tanks or other process units.

For the purposes of chapters 14 and 15, "Distillation operation" means an operation, either batch or continuous, separating one or more feed stream(s) into two or more exit streams, each exit stream having component concentrations different from

those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and vapor phase as they approach equilibrium within the distillation unit.

For the purposes of chapters 14 and 15, "Double block and bleed system" means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

"Draft permit" means a document prepared under section 66271.5 or 124.6 indicating the Department's tentative decision to issue or deny, modify, revoke and reissue, terminate or reissue a permit. A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in section 66271.4 , are types, of draft permits. A denial of a request for modification, revocation and reissuance, or termination, as discussed in section 66271.4 or 124.5 is not a "draft permit." A proposed permit is not a draft permit.

"Drip pad" means 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.

"Electronic device" means any electronic device that is identified as hazardous waste because it either exhibits the characteristic of toxicity as specified in article 3 of chapter 11 of this division, and/or is a listed hazardous waste as specified in article 4.1 of chapter 11 of this division.

Examples of electronic devices include: computer monitors, televisions, cash registers and oscilloscopes (CRT devices), computers, computer peripherals, telephones, answering machines, radios, stereo equipment, tape players/recorders, phonographs, video cassette players/recorders, compact disc players/recorders, calculators, and some appliances. Electronic device does not mean a major

appliance, as defined in Public Resources Code section 42166 , or other devices which are comprised largely of metals, qualify as "scrap metal" as defined in this section, and are recycled.

"Electronic import-export reporting compliance date" means the date that U.S. EPA announces in the Federal Register, on or after which exporters, importers, and receiving facilities are required to submit certain export and import related documents to U.S. EPA using U.S. EPA's Waste Import Export Tracking System, or its successor system.

"Electronic manifest" or "e-Manifest" means the electronic format of the hazardous waste manifest that is obtained from U.S. EPA's national e-Manifest system and transmitted electronically to the system, and that is the legal equivalent of U.S. EPA Forms 8700-22 (Manifest) and 8700-22A (Continuation Sheet).

"Electronic Manifest System" or "e-Manifest System" means U.S. EPA's national information technology system through which the electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest and to regulatory agencies.

"Elementary neutralization unit" means a device which:

(a)

is used for neutralizing wastes which are hazardous wastes only because they exhibit the corrosivity characteristic defined in section 66261.22, or are listed in article 4 of chapter 11 of this division only for this reason; and,

(b)

meets the definition of tank, tank system, container, transport vehicle or vessel in this section.

"Emergency permit" means a permit issued in accordance with section 66270.61 .

"Enclosure" means a structure that surrounds a tank or container, captures organic

vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

"End-user" means

(a)

any person who receives a hazardous waste from an unaffiliated third party and who intends to, or does, use or reuse that waste as: (1) an ingredient in an industrial process to make a product, provided that distinct components of the material are not recovered as separate end products; or (2) a substitute for a raw material in a process that uses raw materials as principal feedstocks; or (3) a substitute for a commercial product in a particular function or application.

(1)

an ingredient in an industrial process to make a product, provided that distinct components of the material are not recovered as separate end products; or

(2)

a substitute for a raw material in a process that uses raw materials as principal feedstocks; or

(3)

a substitute for a commercial product in a particular function or application.

(b)

"End-user" does not include: (1) a person who receives a RCRA hazardous waste; (2) a person who receives a hazardous waste from an unaffiliated third party and who intends to, or does, process that waste to recover usable products or regenerate that waste; (3) a person managing a material that is not a waste pursuant to Health and Safety Code section 25143.2.

(1)

a person who receives a RCRA hazardous waste;

(2)

a person who receives a hazardous waste from an unaffiliated third party and who intends to, or does, process that waste to recover usable products or regenerate that waste;

(3)

a person managing a material that is not a waste pursuant to Health and Safety Code section 25143.2.

"EPA Acknowledgment of Consent" means the cable sent to the USEPA from the U.S. Embassy in a receiving country that acknowledges the written consent of the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country's consent to the shipment.

"EPA hazardous waste number" means the number assigned to each hazardous waste listed in article 4 of chapter 11 of this division and to each characteristic identified in article 3 of chapter 11 of this division as an EPA hazardous waste number.

For the purposes of chapters 14 and 15, "Equipment" means each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, or flange or other connector, and any control devices or systems required by these regulations.

"Equivalent method" means any testing or analytical method approved by the USEPA Administrator under 260.20 and 260.21 or by the Department under section 66260.21 of this division.

"Existing component" see "Existing tank system."

"Existing facility" see "Existing hazardous waste management facility."

"Existing hazardous waste facility" see "Existing hazardous waste management facility."

"Existing hazardous waste management (HWM) facility," "Existing hazardous waste facility," or "existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980 and for which a Part A permit application has been submitted to the Department or the USEPA. A facility has commenced construction if:

(a)

the owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction; and either

(b)

(1) a continuous onsite, physical construction program has begun; or (2) the owner or operator has entered into contractual obligations, which cannot be cancelled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

(1)

a continuous onsite, physical construction program has begun; or

(2)

the owner or operator has entered into contractual obligations, which cannot be cancelled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means:

(a)

that land surface area of an existing facility, included in the original RCRA Part A permit application, on which wastes have been placed prior to February 2, 1985;

(b)

for facilities that were not required to submit a RCRA permit application, that land surface area of an existing facility on which wastes have been placed prior to

February 2, 1985.

"Existing tank system" or "existing tank component" means a tank system or component that is used for the transfer, storage or treatment of hazardous waste and that is in operation, or for which installation has commenced on or prior to the dates indicated below:

(a)

July 14, 1986, for tanks containing RCRA hazardous wastes, unless: (1) the owner or operator is a very small quantity generator as defined in section 66260.10, or a small quantity generator as defined in section 66260.10, or (2) the owner or operator is not subject to regulation in 40 Code of Federal Regulations part 264 or part 265 pursuant to an exemption in 40 Code of Federal Regulations section 264.1 or section 265.1;

(1)

the owner or operator is a very small quantity generator as defined in section 66260.10, or a small quantity generator as defined in section 66260.10, or

(2)

the owner or operator is not subject to regulation in 40 Code of Federal Regulations part 264 or part 265 pursuant to an exemption in 40 Code of Federal Regulations section 264.1 or section 265.1;

(b)

July 1, 1991 for: (1) tanks containing only non-RCRA hazardous wastes, and (2) tanks containing RCRA hazardous wastes, if: (A) the owner or operator is a very small quantity generator as defined in section 66260.10, or a small quantity generator as defined in section 66260.10, or (B) the owner or operator is not subject to regulation in 40 CFR part 264 or part 265 pursuant to an exemption in 40 CFR section 264.1 or section 265.1, but the owner or operator is subject to the

standards of article 10 of chapter 14 or article 10 of chapter 15 of this division. Installation will be considered to have commenced if the owner or operator has obtained all Federal, State and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either a continuous onsite physical construction or installation program has begun, or the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

(1)

tanks containing only non-RCRA hazardous wastes, and

(2)

tanks containing RCRA hazardous wastes, if: (A) the owner or operator is a very small quantity generator as defined in section 66260.10, or a small quantity generator as defined in section 66260.10, or (B) the owner or operator is not subject to regulation in 40 CFR part 264 or part 265 pursuant to an exemption in 40 CFR section 264.1 or section 265.1, but the owner or operator is subject to the standards of article 10 of chapter 14 or article 10 of chapter 15 of this division. Installation will be considered to have commenced if the owner or operator has obtained all Federal, State and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either a continuous onsite physical construction or installation program has begun, or the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

(A)

the owner or operator is a very small quantity generator as defined in section 66260.10, or a small quantity generator as defined in section 66260.10, or

(B)

the owner or operator is not subject to regulation in 40 CFR part 264 or part 265 pursuant to an exemption in 40 CFR section 264.1 or section 265.1, but the owner or operator is subject to the standards of article 10 of chapter 14 or article 10 of chapter 15 of this division. Installation will be considered to have commenced if the owner or operator has obtained all Federal, State and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either a continuous onsite physical construction or installation program has begun, or the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"External floating roof" means a pontoon-type or double-deck type cover that rests on the surface of the material managed in a tank with no fixed roof.

"Extremely hazardous material" means a substance or combination of substances which, if human exposure should occur, may likely result in death, disabling personal injury or serious illness caused by the substance or combination of substances because of its quantity, concentration or chemical characteristics.

"Extremely hazardous waste" means any hazardous waste or mixture of hazardous wastes which, if human exposure should occur, may likely result in death, disabling personal injury or serious illness caused by the hazardous waste or mixture of hazardous wastes because of its quantity, concentration or chemical characteristics.

"Facility" see "Hazardous waste facility."

"Facility mailing list" means the mailing list for a facility maintained by the Department in accordance with section 66271.9 .

"Facility personnel" see "Personnel."

"Federal agency" means any department, agency or other instrumentality of the

Federal Government, any independent agency or establishment of the Federal Government including any Government corporation, and the Government Printing Office.

"Federal, State and local approvals or permits necessary to begin physical construction" means permits and approvals required under Federal, State or local hazardous waste control statutes, regulations or ordinances.

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under chapters 14 and 15 of this division are no longer conducted at the facility unless subject to the provisions in section 66262.15 , 66262.16 , or 66262.17 .

"Fine powder" means a metal in dry, solid form having a particle size smaller than 100 micrometers (0.004 inches) in diameter.

For the purposes of chapters 14 and 15, "First attempt at repair" means to take rapid action to maintain compliance with Section 66265.31 , for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.

"Fixed roof" means a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

"Fixed Treatment Unit" means any equipment which performs a treatment as defined in this section and which is permanently stationed, or which is periodically assembled for use, at a single facility for the purpose of performing treatment, regardless of the period or frequency of treatment.

For the purposes of chapters 14 and 15, "Flame zone" means the portion of the combustion chamber in a boiler occupied by the flame envelope.

For the purposes of chapters 14 and 15, "Flow indicator" means a device that

indicates whether gas flow is present in a vent stream.

"Floating membrane cover" means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

"Floating roof" means a cover consisting of a double deck, pontoon single deck, or internal floating cover which rests upon and is supported by the material being contained, and is equipped with a continuous seal.

"Food-chain crops" means tobacco, crops grown for human consumption and crops grown for feed for animals whose products are consumed by humans.

For the purposes of chapters 14 and 15, "Fractionation operation" means a distillation operation or method used to separate a mixture of several volatile components of different boiling points in successive stages, each stage removing from the mixture some proportion of one of the components.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure. Free liquids are determined by using the paint filter test (EPA Method No. 9095), as modified in section 66264.314 of this division.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

"Functionally equivalent component" means a component which performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" or "Producer" means any person, by site, whose act or process produces hazardous waste identified or listed in chapter 11 of this division or whose act first causes a hazardous waste to become subject to regulation.

"Generator state" means the state where the waste is generated and from which

the shipment originates. This definition takes effect on September 5, 2006.

"Groundwater" means water below the land surface in a zone of saturation.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond which are listed under Appendix III or Appendix III-A to chapter 18 of this division.

"Handling" means the transporting or transferring from one place to another, or pumping, processing, storing or packaging of hazardous waste, but does not include the handling of any substance before it becomes a waste.

"Hard-piping" means pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

"Hauler" means a transporter.

"Hazardous Constituent" means:

(a)

a constituent identified in Appendix VIII to chapter 11 of this division; or

(b)

any other element, chemical compound, or mixture of compounds which is a component of a hazardous waste or leachate and which has a physical or chemical property that causes the waste or leachate to be identified as a hazardous waste.

"Hazardous debris" means debris that contains a hazardous waste listed in article 4 of chapter 11 of this division, or that exhibits a characteristic of hazardous waste identified in article 3 of chapter 11. Any deliberate mixing of prohibited hazardous waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in section 66268.3 of this division.

"Hazardous material" as defined in Health and Safety Code Section 25501 as applied in Chapter 6.95 of Division 20 of the Health and Safety Code.

"Hazardous waste" means a hazardous waste as defined in section 66261.3 of this division. "Hazardous waste" includes acutely hazardous waste, extremely hazardous waste, non-RCRA hazardous waste, RCRA hazardous waste, special waste and universal waste.

"Hazardous waste constituent" means a constituent that caused the USEPA Administrator to list the hazardous waste in 40 CFR Part 261, Subpart D, or a constituent listed in Table 1 of 261.24 .

"Hazardous waste discharge" see "discharge."

"Hazardous waste facility," "hazardous waste management facility," "HW facility," or "facility" means:

(a)

all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal or recycling of hazardous waste. 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.

(b)

For the purpose of implementing corrective action under articles 6, 15.5, or 17 of chapter 14 or article 18 of chapter 15 of this division, all contiguous property under the control of the owner or operator seeking a permit under Title 22, Division 4.5 of the California Code of Regulations. This definition applies to all contiguous property of an owner or operator implementing corrective action at a facility under Health and Safety Code sections 25200.10 or 25187, or federal RCRA section 3004(u) [Title 42, U.S.C., section 6924(u)] or federal RCRA section 3008(h) [Title 42, U.S.C., section 6928(h)] . This definition also applies to all contiguous property of an owner or operator implementing removal or remedial action at an extra-large, large,

medium, or small site where hazardous substances have been released or threaten to be released under Health and Safety Code sections 25187 or 25358.9 where as provided for under the provisions of that section the Department has excluded the removal or remedial action at a site from the hazardous waste facilities permit required by Health and Safety Code section 25201.

"Hazardous waste facility permit" or "permit" means an authorization, license or equivalent control document issued by the USEPA or the Department to implement the requirements of RCRA and this division. "Permit" includes permit by rule pursuant to section 66270.60 , and emergency permit pursuant to section 66270.61 . "Permit" does not include interim status (article 7 of chapter 20), or any permit which has not yet been the subject of final USEPA or Department action, such as a draft permit or a proposed permit.

"Hazardous waste management" see "Management."

"Hazardous waste management facility" see "Hazardous waste facility."

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, a waste transfer area, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

For the purposes of chapters 14 and 15, "Hazardous waste management unit shutdown" means a work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit.

An unscheduled work practice or operational procedure that stops operation of a

hazardous waste management unit or part of a hazardous waste management unit for less than 24 hours is not a hazardous waste management unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping operation are not hazardous waste management unit shutdowns.

"Highway" means a way, or place, of whatever nature open to the use of the public for purposes of vehicular travel. Highway includes street.

"HOCs" see "Halogenated organic compound."

For the purposes of chapters 14 and 15, "Hot well" means a container for collecting condensate as in a steam condenser serving a vacuum-jet or steam-jet ejector.

"Household" means a single detached residence or a single unit of a multiple residence unit and all appurtenant structures.

"Household hazardous waste" means any hazardous waste generated incidental to owning and/or maintaining a place of residence. Household hazardous waste does not include any waste generated in the course of operating a business at a residence.

"HWM facility" see "Hazardous waste facility."

"ID Number" see "Identification number."

"Identification Number" or "ID Number" means the number applied for by and assigned to all handlers of hazardous waste. A State ID number will be issued to handlers of non-RCRA hazardous waste (HW) and/or under 100 KG per calendar month of a RCRA HW. The State ID number will have a prefix of three letters followed by nine numbers. A federal ID number (EPA ID number) will be issued to handlers of 100 KG or more per calendar month of a RCRA HW and/or more than 1 KG per calendar month of acute HW, and any amount of non-RCRA HW. The federal ID number will have a prefix of three letters followed by nine numbers. Federal facilities will have a prefix of two letters followed by ten numbers.

"Ignitable" means capable of being set afire, or of bursting into flame spontaneously or by interaction with another substance or material.

"Impoundment" see "Surface impoundment."

For the purposes of chapters 14 and 15, "In gas/vapor service" means that the piece of equipment contains or contacts a hazardous waste stream that is in the gaseous state at the operating conditions.

For the purposes of chapters 14 and 15, "In heavy liquid service" means that the piece of equipment is not in either gas/vapor service or in light liquid service.

For the purposes of chapters 14 and 15, "In light liquid service" means that the piece of equipment contains or contacts a wastestream where the vapor pressure of one or more of the components in the stream is greater than 0.3 kilopascals (kPa) at 20 degrees C, the total concentration of the pure components having a vapor pressure greater than 0.3 kPa at 20 degrees C is equal to or greater than 20 percent by weight, and the fluid is a liquid at the operating conditions.

"In light liquid service" means that the piece of equipment contains or contacts a waste stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20 deg.C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kilopascals (kPa) at 20 deg.C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.

"In light material service" means the container is used to manage a material for which both of the following conditions apply: The vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20 deg.C; and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20 deg.C is equal to or greater than 20 percent by weight.

"In situ sampling systems" means non-extractive samplers or in-line samplers.

"In operation" refers to a facility which is transferring, treating, storing or disposing of hazardous waste.

For the purposes of chapters 14 and 15, "In vacuum service" means that equipment is operating at an internal pressure that is at least 5 kPa below ambient pressure.

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980.

"Incinerator" means any enclosed device that:

(1)

Uses controlled flame combustion and neither meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; or

(2)

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste which is unsuitable for:

(a)

placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

(b)

commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases or flammable fumes or gases. (See Appendix V to chapter 15 of this division for examples.)

"Independent sample" means an individual sample that has not been affected by previous sampling efforts.

"Independently audited" refers to an audit performed by an independent certified

public accountant in accordance with generally accepted auditing standards.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

(a)

cement kilns;

(b)

lime kilns;

(c)

aggregate kilns;

(d)

phosphate kilns;

(e)

coke ovens;

(f)

blast furnaces;

(g)

smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces);

(h)

titanium dioxide chloride process oxidation reactors;

(i)

methane reforming furnaces;

(j)

pulping liquor recovery furnaces;

(k)

combustion devices used in the recovery of sulfur values from spent sulfuric acid;

(l)

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least 3%, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20% as-generated.

(m)

such other devices as the USEPA Administrator may, after notice and comment, add to the list of "industrial furnaces" in 40 CFR section 260.10 on the basis of one or more of the following factors: (1) the design and use of the device primarily to accomplish recovery of material products; (2) the use of the device to burn or reduce raw materials to make a material product; (3) the use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks; (4) the use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product; (5) the use of the device in common industrial practice to produce a material product; and (6) other factors, as appropriate.

(1)

the design and use of the device primarily to accomplish recovery of material products;

(2)

the use of the device to burn or reduce raw materials to make a material product;

(3)

the use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

(4)

the use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

(5)

the use of the device in common industrial practice to produce a material product; and

(6)

other factors, as appropriate.

"Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Injection well" means any bored, drilled, or driven shaft, dug pit, or hole in the ground whose depth is greater than its largest surface dimension and any associated subsurface appertances, including, but not limited to, the casing.

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Inorganic metal-bearing waste" is one for which the Department has established treatment standards for metal hazardous constituents, and which does not otherwise contain significant organic or cyanide content as described in section 66268.3 , and is specifically listed in appendix XI of chapter 18.

"Interim status" means the authorization granted by the Department or the USEPA

which allows a facility to continue to operate pending review and decision of the facility's permit application.

"Internal floating roof" means a cover that rests or floats on the material surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Land disposal" means placement in or on the land, except in a corrective action management unit, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

"Land disposal method" means:

(a)

disposal of hazardous wastes on or into the land, including, but not limited to, landfill, surface impoundment, waste piles, deep-well injection, land spreading and co-burial with municipal garbage;

(b)

treatment of hazardous wastes on or in the land, such as neutralization and evaporation ponds and land farming, where the treatment residues are hazardous wastes and are not removed for subsequent processing or disposal within one year;

(c)

storage of hazardous wastes on or in the land, such as waste piles and surface impoundments, other than neutralization and evaporation ponds, for longer than one year.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface

impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit. "Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface so that hazardous constituents are degraded, transformed or immobilized within the treatment zone. Such facilities are disposal facilities if the waste will remain after closure.

"Large quantity generator" means a generator who generates any of the following amounts in a calendar month:

(1)

Greater than or equal to 1,000 kilograms (2,200 lbs) of non-acute hazardous waste;
or

(2)

Greater than 1 kilogram (2.2 lbs) of acute hazardous waste listed in section 66261.31 or section 66261.33(e) of this division; or

(3)

Greater than 1 kilogram (2.2 lbs) of extremely hazardous waste.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Leachate collection and removal system/leak detection system (LCRS/LDS)" means the liner system component that immediately underlies the uppermost liner of a waste management unit, and that serves both:

(a)

as a leachate collection and removal system (LCRS), by collecting and conveying

leachate to a sump for disposal; and

(b)

as a leak detection system (LDS), by enabling the discharger to determine when the uppermost liner is leaking, by virtue of the leachate flow rate through the uppermost liner's exceeding the action leakage rate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"License" includes, but is not limited to any permit, registration or certification issued by any local, State, or Federal agency for the generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste.

"Liner" means a continuous layer of natural or man-made materials, beneath or on the sides of a surface impoundment, landfill or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate.

"Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof continuously around the circumference of the tank.

"Load" means the amount of waste transported by one truck, one railroad car or one barge to a hazardous waste facility.

"Major facility" means any facility or activity classified as such by the USEPA Regional Administrator in conjunction with the Department.

For the purposes of chapters 14 and 15, "Malfunction" means any sudden failure of a control device or a hazardous waste management unit or failure of a hazardous waste management unit to operate in a normal or usual manner, so that organic emissions are increased.

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

"Management" or "hazardous waste management" means the handling, storage, transportation, processing, treatment, recovery, recycling, transfer and disposal of hazardous waste.

"Manifest" means the shipping document DHS 8022A, or the equivalent document required by the state to which the waste will be shipped, which is originated and signed by the generator in accordance with the instructions included in the appendix to chapter 12 of this division. This definition is repealed as of September 5, 2006.

"Manifest" and "California Uniform Hazardous Waste Manifest" mean the shipping document, the Uniform Hazardous Waste Manifest, EPA Form 8700-22, (including, if necessary, the Continuation Sheet, EPA Form 8700-22A), originated and signed by

the generator or offeror in accordance with the applicable requirements of chapters 12 through 15 and the applicable requirements of 40 Code of Federal Regulations parts 262 through 265. This definition takes effect on September 5, 2006.

"Manifest document number" means the unique number assigned to the manifest by the Department for recording and reporting purposes. This definition is repealed as of September 5, 2006.

"Manifest tracking number" means the alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits), which is pre-printed in Item 4 of the Manifest by a registered source approved by U.S. EPA to print manifests under 40 Code of Federal Regulations section 262. 21(c) and (e). This definition takes effect on September 5, 2006.

"Maximum credible earthquake" means the maximum earthquake which rationally appears capable of occurring under the presently known tectonic framework and all known geologic and seismologic facts. The following factors and standards shall be applied in determining the maximum credible earthquake:

(a)

the seismic history of the vicinity and the geologic province;

(b)

the length of the significant fault or faults which can affect the site within a radius of 100 kilometers;

(c)

the type(s) of faults involved;

(d)

the tectonic and/or structural history;

(e)

the tectonic and/or structural pattern or regional setting (geologic framework);

(f)

the time factor (known or expected frequency of occurrence) shall not be a parameter.

"Maximum organic vapor pressure" means the sum of the individual organic constituent partial pressures exerted by the material contained in a tank, at the maximum vapor pressure-causing conditions (i.e., temperature, agitation, pH effects of combining wastes, etc.) reasonably expected to occur in the tank. For the purpose of chapter 14, and 15, maximum organic vapor pressure is determined using the procedures specified in section 66265.1084 .

"Mercury-containing motor vehicle light switch" means any light switch found in the hood or in the trunk lid of a motor vehicle, if the light switch contains mercury.

"Metallic shoe seal" means a continuous seal that is constructed of metal sheets which are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is transferred, treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace other than industrial furnaces which are conditionally exempted pursuant to subsections (c) or (f) of section 66266.100 , underground injection well with appropriate technical standards under article 5.5 commencing with section 25159.10 of chapter 6.5 of division 20 of the Health and Safety Code, containment

building, corrective action management unit, or unit eligible for a research, development and demonstration permit under section 66270.65 .

"Monitoring parameter" means one of the set of parameters specified in the facility permit for which monitoring is conducted. Monitoring parameters shall include physical parameters, waste constituents, reaction products, and hazardous constituents, that provide a reliable indication of a release from a regulated unit.

"Monitoring point" means a well, device or location specified in the facility permit at which the water quality or environmental protection standard applies and at which monitoring is conducted.

"Movement" means that hazardous waste transported to a facility in an individual vehicle.

"National Pollutant Discharge Elimination System" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 318, 402, and 405 of the Federal Water Pollution Control Act (1317 , 1328 , 1342 and 1345). The term includes an approved program.

"Natural resources" includes, but is not limited to, disposal site capacity and substances which are hazardous waste, or which are in hazardous waste, the reuse of which is technologically and economically feasible.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"New facility" see "New hazardous waste management facility."

"New hazardous waste facility" see "New hazardous waste management facility."

"New hazardous waste management facility," "new hazardous waste facility," or

"new facility" means a facility which began operation, or for which construction

commenced after November 19, 1980.

"New tank component" see "New tank system."

"New tank system" or "new tank component" means a tank system or component that will be used for the transfer, storage or treatment of hazardous waste and for which installation (as defined under "Existing tank system" in this section) has commenced after the dates indicated below; except, however, for purposes of sections 66264.193 and 66265.193 , a new tank system is one for which construction commences after the dates indicated below: (See also "Existing tank system.")

(a)

July 14, 1986, for tanks containing RCRA hazardous wastes, unless: (1) the owner or operator is a very small quantity generator as defined in section 66260.10, or a small quantity generator as defined in section 66260.10, or (2) the owner or operator is not subject to regulation in 40 Code of Federal Regulations part 264 or part 265 pursuant to an exemption in 40 Code of Federal Regulations section 264.1 or section 265.1;

(1)

the owner or operator is a very small quantity generator as defined in section 66260.10, or a small quantity generator as defined in section 66260.10, or

(2)

the owner or operator is not subject to regulation in 40 Code of Federal Regulations part 264 or part 265 pursuant to an exemption in 40 Code of Federal Regulations section 264.1 or section 265.1;

(b)

July 1, 1991 for:(1) tanks containing only non-RCRA hazardous wastes, and (2) tanks containing RCRA hazardous wastes, if:(A) the owner or operator is a very

small quantity generator as defined in section 66260.10, or a small quantity generator as defined in section 66260.10, or (B) the owner or operator is not subject to regulation in 40 Code of Federal Regulations part 264 or part 265 pursuant to an exemption in 40 Code of Federal Regulations section 264.1 or section 265.1, but the owner or operator is subject to the standards of article 10 of chapter 14 or article 10 of chapter 15 of this division.

(1)

tanks containing only non-RCRA hazardous wastes, and

(2)

tanks containing RCRA hazardous wastes, if: (A) the owner or operator is a very small quantity generator as defined in section 66260.10, or a small quantity generator as defined in section 66260.10, or (B) the owner or operator is not subject to regulation in 40 Code of Federal Regulations part 264 or part 265 pursuant to an exemption in 40 Code of Federal Regulations section 264.1 or section 265.1, but the owner or operator is subject to the standards of article 10 of chapter 14 or article 10 of chapter 15 of this division.

(A)

the owner or operator is a very small quantity generator as defined in section 66260.10, or a small quantity generator as defined in section 66260.10, or

(B)

the owner or operator is not subject to regulation in 40 Code of Federal Regulations part 264 or part 265 pursuant to an exemption in 40 Code of Federal Regulations section 264.1 or section 265.1, but the owner or operator is subject to the standards of article 10 of chapter 14 or article 10 of chapter 15 of this division.

"No detectable organic emissions" means no escape of organics to the atmosphere as determined using the procedure specified in section 66265.1084 .

"Non-acute hazardous waste" means all hazardous wastes that are not acute hazardous waste or extremely hazardous waste, as defined in this section.

"Non-RCRA hazardous waste" means all hazardous waste regulated in the State, other than RCRA hazardous waste as defined in this section. A hazardous waste is presumed to be a RCRA hazardous waste, unless it is determined pursuant to section 66261.101 that the hazardous waste is a non-RCRA hazardous waste.

"Nonsudden accidental occurrence" means an unforeseen and unexpected accident which takes place over time, involves continuous or repeated exposure and results in bodily injury, property damage or environmental degradation.

"Nonwastewaters" means, for the purposes of chapter 18 of this division, wastes that do not meet the criteria for wastewaters found in the definition of "wastewaters" in this section.

"Offsite" means any site which is not onsite.

"Offsite facility" means a hazardous waste facility that is not an onsite facility.

"Onground tank" means a device meeting the definition of "tank" in this section that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.

"Onsite" means the same or geographically contiguous property which 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, is also considered onsite property.

"Onsite facility" or "Onsite hazardous waste facility" means a facility:

(a)

at which a hazardous waste is generated and which is owned by, leased to, or under the control of, the generator of the waste; and

(b)

which is located on the same or geographically contiguous property, on which the waste is produced, which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads 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 the person controls and to which the public does not have access, is also considered an onsite facility.

"Onsite hazardous waste facility" see "Onsite facility."

"Open burning" means the combustion of any material without the following characteristics:

(a)

control of combustion air to maintain adequate temperature for efficient combustion;

(b)

containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

(c)

control of emission of the gaseous combustion products. (See also "incineration" and "thermal treatment.") For the purposes of chapters 14 and 15, "Open-ended valve or line" means any valve, except pressure relief valves, having one side of the valve seat in contact with hazardous waste and one side open to the atmosphere, either directly or through open piping.

"Operator" means the person responsible for the overall operation of a facility.

"Operating life" see "Active life."

"Owner" means the person who owns a facility or part of a facility.

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under chapter 6.5 commencing with section 25100, division 20, Health and Safety Code.

"P-value" means the smallest significance level for which the null hypothesis would be rejected based on the data that was actually observed.

"Parent corporation" means a corporation which directly owns at least 50 percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation.

"Part A of Permit Application" or "Part A" means an application to the Department or the USEPA for a permit to operate a hazardous waste facility. The application is described in section 66270.13 .

"Part B of Permit Application" or "Part B" means the operation plan described in sections 66270.14 through 66270.23 for a hazardous waste facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of chapters 14 and 15 of this division at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile or other hazardous waste management unit, while other units of the same facility continue to operate or will be placed in operation in the future.

"PCBs" see "Polychlorinated biphenyls."

"Permanent household hazardous waste collection facility" or "PHHWCF" means a facility operated by a public agency or its contractor which:

(a)

is operated in accordance with section 67450.25; and

(b)

is permanently sited at a location.

"Permit" see "Hazardous waste facility permit."

"Permit-by-rule" means a provision of these regulations stating that a facility or activity is deemed to have a permit if it meets the requirements of the provision.

"Permitted facility" means a facility that has received a hazardous waste facility permit from the Department or the USEPA in accordance with section 25200 of the Health and Safety Code or RCRA.

"Persistent toxic substance" means a toxic substance that resists natural degradation or detoxification.

"Person" means an individual, trust, firm, joint stock company, business concern, corporation, including, but not limited to, a government corporation, partnership and association. "Person" also includes any city, county, district, commission, the State or any department, agency or political subdivision thereof, any interstate body, and the Federal Government or any department or agency thereof to the extent permitted by law.

"Personnel" or "facility personnel" means all persons who work, at, or oversee the operations of, a hazardous waste facility, and whose actions or failure to act may result in noncompliance with the requirements of this division.

"Photovoltaic cell" means a specialized semiconductor diode designed to convert solar radiation into electrical energy. Photovoltaic cells are individual cells that are not electrically connected or an integral part of photovoltaic modules that are electrically connected. Photovoltaic cells are also commonly referred to as solar cells. Photovoltaic cells are managed as photovoltaic modules.

"Photovoltaic module" means a device consisting of or containing one or more electrically connected photovoltaic cells that are designed to convert solar radiation into electrical energy. Photovoltaic module includes integrated components that cannot be separated without breaking the photovoltaic module glass. Examples of integrated components include, but not limited to, protective glass, conductive metal contact, metal framing the photovoltaic cells, housing or pocket holding the photovoltaic cells/modules, and top and back layer. Photovoltaic modules are composed of, but are not limited to, monocrystalline silicon, polycrystalline silicon, amorphous silicon, cadmium telluride, copper indium gallium selenide, and gallium indium phosphide/gallium arsenide/gallium, and perovskite. Photovoltaic modules are also commonly referred to as photovoltaic panels or solar panels. Photovoltaic cells that are not electrically connected are managed as photovoltaic modules.

"Photovoltaic panel" see "photovoltaic module."

"Photovoltaic system" means a set of components consisting of one or more photovoltaic modules and includes any ancillary components that can be manually separated without breaking the photovoltaic module glass such as, but not limited to, metal frames used to support the photovoltaic module, connectors, junction boxes, batteries, inverters, wires, and cables that are connected to the photovoltaic module. Photovoltaic systems are also commonly referred to as solar systems.

"Physical parameter" means any measurable physical characteristic of a substance including, but not limited to, temperature, electrical conductivity, pH and specific gravity.

"Physical construction" means excavation, movement of earth, erection of forms or structures, or similar activity to prepare a facility to accept hazardous waste.

"Pile" or "waste pile" means any noncontainerized accumulation of solid, nonflowing hazardous waste that is used for treatment or storage and that is not a containment

building.

"Plasma arc incinerator" means any enclosed device using a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point of compliance" means a vertical surface located at the hydraulically downgradient limit, of a regulated unit, that extends through the uppermost aquifer.

"Point of waste origination" means as follows:

(1)

When the facility owner or operator is the generator of the hazardous waste, the point of waste origination means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste as defined in this division. [NOTE: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the Clean Air Act in 40 CFR parts 60, 61 and 63.]

(2)

When the facility owner and operator are not the generator of the hazardous waste, point of waste origination means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

"Point of waste treatment" means the point where a hazardous waste to be treated in accordance with section 66265.1083 exits the treatment process. Any waste determination shall be made before the waste is conveyed, handled, or otherwise managed in a manner that allows the waste to volatilize to the atmosphere.

"Point source" means any discernible, confined and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other

floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 761.3 .

"Postclosure plan" means the plan for postclosure care prepared in accordance with chapter 14 or chapter 15 of this division.

"POTW" see "Publicly owned treatment works."

For the purposes of chapters 14 and 15, "Pressure release" means the emission of materials resulting from the system pressure being greater than the set pressure of the pressure relief device.

"Primary Exporter" means any person who is required to originate the manifest for a shipment of hazardous waste in accordance with article 2 of chapter 12 of this division, which specifies a treatment, storage or disposal facility in a receiving country as the facility to which the hazardous waste will be sent and any intermediary arranging for the export.

For the purposes of chapters 14 and 15, "Process heater" means a device that transfers heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that are heated to produce steam.

For the purposes of chapters 14 and 15, "Process vent" means any open-ended pipe or stack that is vented to the atmosphere either directly, through a vacuum-producing system, or through a tank (e.g., distillate receiver, condenser, bottoms receiver, surge control tank, separator tank, or hot well) associated with hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations.

"Processing" means treatment.

"Producer" see "Generator."

"Property Damage" means

(a)

an injury to property which deprives its owner of the benefit of the property by taking, withholding, deteriorating or destroying it.

(b)

For the purposes of chapter 13, "property damage" means damage to or loss of tangible property.

"Publicly owned treatment works" or "POTW" means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "State" or "municipality" (as defined by 1362). This definition includes sewers, pipes or other conveyances only if they convey wastewater to a POTW providing treatment.

"PV cell" see "photovoltaic cell."

"PV module" see "photovoltaic module."

"PV system" see "photovoltaic system."

"R chart" (Range chart) means a control chart for evaluating the variability within a process in terms of the subgroup range R.

"RCRA Characteristic" means the characteristic of ignitability, corrosivity, reactivity, or toxicity identified in sections 66261.21 , 66261.22 , 66261.22 , 66261.23 , and 66261.24 of this division.

"RCRA Characteristic Hazardous Waste" or "RCRA Characteristic Waste" means a hazardous waste that exhibits any of the RCRA characteristics.

"RCRA hazardous waste" means all waste identified as a hazardous waste in Part 261 (commencing with section 261.1) of subchapter I of chapter 1 of Title 40 of the Code of Federal Regulations and appendices thereto.

"RCRA Hazardous Waste Facility Permit" or "RCRA Permit" means any hazardous

waste facility permit for a facility which would be required to have a permit under 6925 , if California's hazardous waste program were not authorized pursuant to 6926 .

"RCRA Permit" See "RCRA Hazardous Waste Facility Permit"

"Reactive" means having properties of explosivity or of chemical activity which can be a hazard to human health or the environment.

"Receiving country" means a foreign country to which a hazardous waste is sent for the purpose of treatment, storage or disposal (except short-term storage incidental to transportation).

"Reclaimed" means that a material is processed to recover a usable product, or that it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.

"Recognized trader" means a person domiciled in the United States, by site of business, who acts to arrange and facilitate transboundary movements of wastes destined for recovery or disposal operations, either by purchasing from and subsequently selling to United States and foreign facilities, or by acting under arrangements with a United States waste facility to arrange for the export or import of the wastes.

"Recyclable material" means a hazardous waste that is capable of being recycled, including, but not limited to, any of the following:

(a)

a residue;

(b)

a spent material, including, but not limited to, a used or spent stripping or plating solution or etchant;

(c)

a material that is contaminated to such an extent that it can no longer be used for the purpose for which it was originally purchased or manufactured;

(d)

a byproduct listed in section 66261.31 or section 66261.32;

(e)

any retrograde material that has not been used, distributed or reclaimed through treatment by the original manufacturer or owner by the later of the following dates:(1) one year after the date when the material became a retrograde material; (2) if the material has been returned to the original manufacturer, one year after the material is returned to the original manufacturer.

(1)

one year after the date when the material became a retrograde material;

(2)

if the material has been returned to the original manufacturer, one year after the material is returned to the original manufacturer.

"Recycled material" means a material which is used or reused or reclaimed.

"Regional Administrator" or "USEPA Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located, or that person's designee.

"Registered hazardous waste transporter" means a transporter registered with the Department to transport hazardous wastes.

"Regulated Unit" means:

(a)

a permitted hazardous waste facility, which operates or operated:(1) any surface impoundment, waste pile, land treatment unit or landfill that receives or has received hazardous waste after July 26, 1982; or (2) any surface impoundment,

waste pile, land treatment unit, or landfill that ceased receiving hazardous waste by July 26, 1982 which is required to comply with the requirements of article 6 of chapter 14 of this division pursuant to section 66264.90(a);

(1)

any surface impoundment, waste pile, land treatment unit or landfill that receives or has received hazardous waste after July 26, 1982; or

(2)

any surface impoundment, waste pile, land treatment unit, or landfill that ceased receiving hazardous waste by July 26, 1982 which is required to comply with the requirements of article 6 of chapter 14 of this division pursuant to section 66264.90(a);

(b)

an interim status hazardous waste facility which operates or operated:(1) any surface impoundment, waste pile, land treatment unit, or landfill that receives or has received hazardous waste after November 19, 1980; or (2) any surface impoundment, waste pile, land treatment unit, or landfill that ceased receiving hazardous waste by November 19, 1980 which is required to comply with the requirements of article 6 of chapter 15 of this division pursuant to section 66265.90(a).

(1)

any surface impoundment, waste pile, land treatment unit, or landfill that receives or has received hazardous waste after November 19, 1980; or

(2)

any surface impoundment, waste pile, land treatment unit, or landfill that ceased receiving hazardous waste by November 19, 1980 which is required to comply with the requirements of article 6 of chapter 15 of this division pursuant to section 66265.90(a).

"Release" means:

(a)

Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

(b)

"Release" does not include any of the following: (1) Any release which results in exposure to persons solely within a workplace, with respect to a claim such exposed persons may assert against their employer. (2) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel or pipeline pumping station engine. (3) Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 2210 of Title 42 of the United States Code or, for the purposes of section 104 of the federal act (42 U.S.C. 9604) or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under section 7912(a)(1) or 7942(a) of Title 42 of the United States Code, which sections are a part of the Uranium Mill Tailings Radiation Control Act of 1978.

(1)

Any release which results in exposure to persons solely within a workplace, with respect to a claim such exposed persons may assert against their employer.

(2)

Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel or pipeline pumping station engine.

(3)

Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.), if

such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 2210 of Title 42 of the United States Code or, for the purposes of section 104 of the federal act (42 U.S.C. 9604) or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under section 7912(a)(1) or 7942(a) of Title 42 of the United States Code, which sections are a part of the Uranium Mill Tailings Radiation Control Act of 1978.

(d)

The normal application of fertilizer, plant growth regulants and pesticides. For the purposes of chapters 14 and 15, "Repaired" means that equipment is adjusted, or otherwise altered, to eliminate a leak.

"Remediation waste" means all solid and hazardous wastes, hazardous substances, and all media (including groundwater, surface water, soils, and sediments) and debris, that are managed for the purpose of implementing corrective action requirements under articles 6, 15.5, or 17 of chapter 14 or article 18 of chapter 15 of this division, Health and Safety Code sections 25200.10 or 25187 , or section 25358.9 where as provided for under the provisions of that section the Department has excluded the removal or remedial action at a site from the hazardous waste facilities permit required by Health and Safety Code section 25201 , or federal RCRA section 3005 [6925] . For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing Health and Safety Code Sections 25200.10 or 25187 , or section 25358.9 where as provided for under the provisions of that section the Department has excluded the removal or remedial action at a site from the hazardous waste facilities permit required by Health and Safety Code section 25201 , or federal RCRA section 3005 [6925] or 3004(v) [6924] for releases beyond the facility boundary.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit (1) from which all or substantially all of the waste is removed, and (2) that is subsequently reused to transfer, treat, store, or dispose of hazardous waste.

"Replacement unit" does not apply to a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with an approved closure plan or EPA or State approved corrective action.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, ground water) which can be expected to exhibit the average properties of the universe or whole.

"Residuals Repository" means a hazardous waste facility or part of a facility that is permitted to accept for land disposal only non-liquid, treated hazardous waste (as defined in Section 25179.3 , Health and Safety Code). Non-liquid means non-liquid and containing less than 50 percent moisture by weight as determined in accordance with Section 66265.317 of this Division.

"Resource recovery facility" means an authorized offsite hazardous waste facility whose principal method of hazardous waste management is the recycling of recyclable material pursuant to Health and Safety Code section 25201 .

"Restricted hazardous waste" means any hazardous waste which is subject to land disposal restriction pursuant to Health and Safety Code section 25179.6 or chapter 18 of this division.

"Retrograde material" means any hazardous material which is not to be used, sold or distributed for use in an originally intended or prescribed manner or for an originally intended or prescribed purpose and which meets any one or more of the following criteria:

(a)

(1) has undergone chemical, biochemical, physical or other changes due to the passage of time or the environmental conditions under which it was stored; (2) has exceeded a specified or recommended shelf life; (3) is banned by law, regulation, ordinance or decree; (4) cannot be used for reasons of economics, health or safety or environmental hazard.

(1)

has undergone chemical, biochemical, physical or other changes due to the passage of time or the environmental conditions under which it was stored;

(2)

has exceeded a specified or recommended shelf life;

(3)

is banned by law, regulation, ordinance or decree;

(4)

cannot be used for reasons of economics, health or safety or environmental hazard.

(b)

"Retrograde material" does not include material listed in section 66261.33 if either of the following conditions is met: (1) the material is used in a manner constituting disposal and the material is not normally used in a manner constituting disposal; (2) the material is burned for energy recovery and the material is not normally burned for energy recovery.

(1)

the material is used in a manner constituting disposal and the material is not normally used in a manner constituting disposal;

(2)

the material is burned for energy recovery and the material is not normally burned for energy recovery.

"Run-off" means any rainwater, leachate or other liquid that drains over land from any part of a facility.

"Run-on" means any rainwater, leachate or other liquid that drains over land onto any part of a facility.

"Safety device" means a closure device such as a pressure relief valve, frangible disc, fusible plug, or any other type of device which functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of chapters 14 and 15, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

For the purposes of chapters 14 and 15, "Sampling connection system" means an assembly of equipment within a process or waste management unit used during periods of representative operation to take samples of the process or waste fluid. Equipment used to take non-routine grab samples is not considered a sampling connection system.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in

which all voids are filled with water.

"Schedule of compliance" means a schedule of remedial measures included in a permit or order, including an enforceable sequence of interim requirements (for example, actions, operations or milestone events) leading to compliance with applicable law.

"Scrap metal" means

(a)

any one or more of the following, except as provided in subsection (b) of this section: (1) manufactured, solid metal objects and products; (2) metal workings, including cuttings, trimmings, stampings, grindings, shavings and sandings; (3) solid metal residues of metal production; or (4) printed circuit boards that are recycled [except for printed circuit boards referenced in subsec. (b)(7) of this section].

(1)

manufactured, solid metal objects and products;

(2)

metal workings, including cuttings, trimmings, stampings, grindings, shavings and sandings;

(3)

solid metal residues of metal production; or

(4)

printed circuit boards that are recycled [except for printed circuit boards referenced in subsec. (b)(7) of this section].

(b)

"Scrap metal" excludes all of the following: (1) lead-acid storage batteries, waste elemental mercury, and water-reactive metals such as sodium, potassium and

lithium; (2) magnesium borings, trimmings, grindings, shavings and sandings and any other forms capable of producing independent combustion; (3) beryllium borings, trimmings, grindings, shavings, sandings and any other forms capable of producing adverse health effects or environmental harm in the opinion of the Department; (4) any metal contaminated with a hazardous waste, such that the contaminated metal exhibits any characteristic of a hazardous waste under article 3 of chapter 11 of this division; (5) any metal contaminated with an oil that is a hazardous waste and that is free-flowing; (6) sludges, fine powders, semi-solids and liquid solutions that are hazardous wastes; and (7) any printed circuit board that has been removed from a universal waste electronic device or PV module by a universal waste handler as a result of the handler's conduct of activities authorized by sections 66273.71, 66273.72, and/or 66273.73 of chapter 23 of this division and is subject to management as a hazardous waste pursuant to sections 66273.71, 66273.72 and/or 66273.73.

(1)

lead-acid storage batteries, waste elemental mercury, and water-reactive metals such as sodium, potassium and lithium;

(2)

magnesium borings, trimmings, grindings, shavings and sandings and any other forms capable of producing independent combustion;

(3)

beryllium borings, trimmings, grindings, shavings, sandings and any other forms capable of producing adverse health effects or environmental harm in the opinion of the Department;

(4)

any metal contaminated with a hazardous waste, such that the contaminated metal

exhibits any characteristic of a hazardous waste under article 3 of chapter 11 of this division;

(5)

any metal contaminated with an oil that is a hazardous waste and that is free-flowing;

(6)

sludges, fine powders, semi-solids and liquid solutions that are hazardous wastes; and

(7)

any printed circuit board that has been removed from a universal waste electronic device or PV module by a universal waste handler as a result of the handler's conduct of activities authorized by sections 66273.71, 66273.72, and/or 66273.73 of chapter 23 of this division and is subject to management as a hazardous waste pursuant to sections 66273.71, 66273.72 and/or 66273.73.

"Semitrailer" means a vehicle designed for carrying persons, property or waste, used in conjunction with a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

For the purposes of chapters 14 and 15, "Sensor" means a device that measures a physical quantity or that change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

For the purposes of chapters 14 and 15, "Separator tank" means a device used for separation of two immiscible liquids.

"Single-seal system" means a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

"Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

"Sludge" means any solid, semi-solid or liquid waste generated from a municipal,

commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device that is used to dehydrate sludge and that has a maximum total thermal input, excluding the heating value of the sludge itself, of 2,500 Btu/lb of sludge treated on a wet-weight basis.

"Small quantity commercial source" means a business which generates less than 100 kilograms of household waste, as defined in paragraph (1) of subdivision (b) of section 261.4 of 40 Code of Federal Regulations, or which meets the criteria for very small quantity generators specified in section 262.14 of 40 Code of Federal Regulations, or, if the hazardous waste is perchlorethylene, a business which generates less than 50 kilograms of hazardous waste per month and meets the criteria set forth in section 261.4 or 262.14 of 40 Code of Federal Regulations.

"Small quantity generator" means a generator who generates the following amounts in a calendar month:

(1)

Less than 1,000 kilograms (2,200 lbs) of non-acute hazardous waste; and

(2)

Less than or equal to 1 kilogram (2.2 lbs) of acute hazardous waste listed in section 66261.31 or section 66261.33(e) of this division; and

(3)

Less than or equal to 1 kilogram (2.2 lbs) of extremely hazardous waste.

"Smart display" means a device, intended for stationary use, with a built-in speaker and a video display screen measuring at least 4 inches when measured diagonally, that offers voice activated, integrated virtual assistance to the user and interactive

connections with other devices.

"Soil" means unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles as classified by the U.S. Natural Resources Conservation Service, or a mixture of such materials with liquids, sludges or solids which is inseparable by simple mechanical removal processes and is made up primarily of soil by volume based on visual inspection. Any deliberate mixing of prohibited hazardous waste with soil that changes its treatment classification (i.e., from waste to contaminated soil) is not allowed under the dilution prohibition in section 66268.3 of this division.

"Soil-pore liquid" means the liquid contained in openings between particles of soil in the unsaturated zone.

"Solar cell" see "photovoltaic cell."

"Solar panel" see "photovoltaic module."

"Solar system" see "photovoltaic system."

"Solid Waste Management Unit" means any unit at a hazardous waste facility from which hazardous constituents might migrate, irrespective of whether the units were intended for the management of wastes, including but not limited to: containers, tanks, surface impoundments, waste piles, land treatment units, landfills, incinerators and underground injection wells.

"Soluble threshold limit concentration" or "STLC" means the concentration of a solubilized and extractable bioaccumulative or persistent toxic substance which, if equaled or exceeded in a waste or waste extract determined pursuant to Appendix II of chapter 11 of this division renders the waste hazardous.

"Sorb" means to either adsorb or absorb, or both.

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. See also "Sorb".

"Special waste" means a waste which is a hazardous waste only because it contains an inorganic substance or substances which cause it to pose a chronic toxicity hazard to human health or the environment and which meets all of the criteria and requirements of section 66261.122 and has been classified a special waste pursuant to section 66261.124 .

"Spent material" is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

For the purposes of chapters 14 and 15, "Start-up" means the setting in operation of a hazardous waste management unit or control device for any purpose.

"State/EPA Agreement" means an agreement between the Regional Administrator and the Department which coordinates EPA and State activities, responsibilities and programs.

"Steam stripping operation" means a distillation operation in which vaporization of the volatile constituents of a liquid mixture takes place by the introduction of steam directly into the charge.

"STLC" see "Soluble threshold limiting concentration."

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere.

"Sudden accidental occurrence" means an unforeseen and unexpected accident which is not continuous or repeated in nature and results in bodily injury, property damage or environmental degradation.

"Substantial business relationship" means the extent of a business relationship necessary under applicable State law to make a guarantee contract issued incident to that relationship valid and enforceable. A "substantial business relationship" must arise from a pattern of recent or ongoing business transactions, in addition the

guarantee itself, such that a currently existing business relationship between the guarantor and the owner or operator is demonstrated to the satisfaction of the Department.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs/trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that as used in the landfill, surface impoundment, and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds and lagoons.

"Surge control tank" means a pipe or storage reservoir sufficient in capacity to contain the surging liquid discharge of the process tank to which it is connected.

"Surplus material" means an unused raw material or commercial product obtained by a person who intended to use or sell it, but who no longer needs it, and who transfers ownership of it to another person for use in a manner for which the material or product is commonly used. Surplus material is excess material. Surplus material is neither of the following:

(a)

a retrograde material as defined in this section;

(b)

a recyclable material as defined in this section.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Tank system" means a hazardous waste transfer, storage or treatment tank and its associated ancillary equipment and containment system.

"Temporary household hazardous waste collection facility" or "THHWCF" means a facility operated by a public agency which:

(a)

is operated in accordance with section 66270.1(c)(1)(F);

(b)

is operated at the same location no more than 12 times per calendar year and no more than once in any calendar month at the same location; and

(c)

terminates operation within two days of commencing each session.

"Terminate" means to accept the last delivery of waste.

"Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation and microwave discharge. (See also "incinerator" and "open burning.")

"The State" means the State of California.

"Thin-film evaporation operation" means a distillation operation that employs a

heating surface consisting of a large diameter tube that may be either straight or tapered, horizontal or vertical. Liquid is spread on the tube wall by a rotating assembly of blades that maintain a close clearance from the wall or actually ride on the film of liquid on the wall.

"Total threshold limit concentration" or "TTLC" means the concentration of a solubilized, extractable and nonextractable bioaccumulative or persistent toxic substance which, if equaled or exceeded in a waste, renders the waste hazardous.

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Toxic waste" means a hazardous waste designated as a toxic waste by the USEPA Administrator pursuant to 261.11 .

"Trailer" means a vehicle designed for carrying persons, property or waste on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle.

"Transfer" means the loading, unloading, pumping or packaging of hazardous waste. Transfer does not include loading, unloading, pumping or packaging of hazardous waste on the site where the hazardous waste was generated.

"Transfer facility" or "transfer station" means any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held and/or transferred during the normal course of transportation.

"Transfer station" see "Transfer facility."

"Transit country" means any foreign country, other than a receiving country,

through which a hazardous waste is transported.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportable Treatment Unit" means any mobile equipment which performs a "treatment" as defined in this section and which is transported onto a facility to perform treatment and which is not permanently stationed at a single facility.

"Transportation" means the movement of hazardous waste by air, rail, highway or water.

"Transporter" means a person engaged in the offsite transportation of hazardous waste by air, rail, highway or water.

"Treatability study" means either of the following, but does not include the commercial treatment or disposal of hazardous waste:

(a)

The application of a treatment process to a representative sample of hazardous waste to determine any of the following: (1) Whether the hazardous waste can be effectively treated by the treatment process employed in the treatability study. (2) What pretreatment, if any, is required. (3) The optimal conditions and processing techniques required to achieve the desired treatment. (4) The efficiency of a treatment process for a specific hazardous waste or wastes. (5) The characteristics and volumes of residual from a particular treatment process.

(1)

Whether the hazardous waste can be effectively treated by the treatment process employed in the treatability study.

(2)

What pretreatment, if any, is required.

(3)

The optimal conditions and processing techniques required to achieve the desired treatment.

(4)

The efficiency of a treatment process for a specific hazardous waste or wastes.

(5)

The characteristics and volumes of residual from a particular treatment process.

(b)

Liner compatibility, corrosion, or other material compatibility studies.

"Treatability study sample" means a small quantity of hazardous waste, of no more than 400 kilograms (kg), which will be subject to a treatability study.

"Treatment" means any method, technique, or process which changes or is designed to change the physical, chemical, or biological character or composition of any hazardous waste or any material contained therein, or removes or reduces its harmful properties or characteristics for any purpose including, but not limited to, energy recovery, material recovery or reduction in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents and constituents of concern are degraded, transformed or immobilized. A treatment zone may not extend more than five feet below the initial surface and the base of the treatment zone shall be a minimum of five feet above the highest anticipated elevation of underlying groundwater.

"Truck" means a motor vehicle, excluding truck tractor, designed, used or maintained primarily for the transportation of property or waste.

"TTLC" see "Total threshold limiting concentration."

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well

is greater than the largest surface dimension. (See also "injection well.")

"Underground source of drinking water" or "USDW" means an aquifer or its portion:

(a)

(1) which supplies any public water system; or (2) which contains a sufficient quantity of ground water to supply a public water system; and (A) currently supplies drinking water for human consumption; or (B) contains fewer than 10,000 mg/l total dissolved solids; and

(1)

which supplies any public water system; or

(2)

which contains a sufficient quantity of ground water to supply a public water system; and (A) currently supplies drinking water for human consumption; or (B) contains fewer than 10,000 mg/l total dissolved solids; and

(A)

currently supplies drinking water for human consumption; or

(B)

contains fewer than 10,000 mg/l total dissolved solids; and

(b)

which is not an exempted aquifer.

"Underground tank" means a device meeting the definition of "tank" in this section which is substantially or totally beneath the surface of the ground.

"Underlying hazardous constituent" means any constituent listed in section 66268.48 , Table UTS--Universal Treatment Standards, except fluoride, selenium, sulfides, vanadium, and zinc, which can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standards.

"Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of transferring, storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"Unit" means a tank, a container, or a combination of tanks or tank systems and/or containers located together that are used in sequence to treat or accumulate one or more compatible hazardous wastestreams. The devices are either plumbed together or otherwise linked so as to form one system. This definition only applies to Conditional Exemption, Conditional Authorization, and Permit By Rule operations.

"Universal waste" means any of the wastes that are listed in section 66261.9 .

"Unsaturated zone," "Vadose zone," or "zone of aeration" means the zone between the land surface and the water table.

"United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the commonwealth of the Northern Mariana Islands.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer.

"Used oil re-refining distillation bottoms" means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

"Used or reused" means that a material is either:

(a)

employed as an ingredient, including use as an intermediate, in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition

if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

(b)

employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

"USEPA Administrator" or "Administrator" means the Administrator of the federal Environmental Protection Agency, or the Administrator's designee.

"USEPA Regional Administrator" see "Regional Administrator."

"User of the electronic manifest system" means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person that:

(a)

Is required to use a manifest to comply with:(1) Any federal or state requirement to track the shipment, transportation, and receipt of hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or (2) Any federal or state requirement to track the shipment, transportation, and receipt of rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

(1)

Any federal or state requirement to track the shipment, transportation, and receipt of hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or

(2)

Any federal or state requirement to track the shipment, transportation, and receipt of

rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

(b)

Elects to use the system to obtain, complete and transmit an electronic manifest format supplied by the U.S. EPA electronic manifest system, or

(c)

Elects to use the paper manifest form and submits to the system for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with 40 Code of Federal Regulations sections 264.71(a)(2)(v) or 265.71(a)(2)(v). These paper copies are submitted for data exchange purposes only and are not the official copies of record for legal purposes.

"Vacuum tank" means a cargo tank which has the capability of being subjected to a vacuum or a pressure for purposes of loading and unloading its contents.

"Vadose zone" see "Unsaturated zone."

"Vapor incinerator" means any enclosed combustion device that is used for destroying organic compounds and does not extract energy in the form of steam or process heat.

"Vapor-mounted seal" means a continuous seal that is mounted such that there is a vapor space between the hazardous waste in the unit and the bottom of the seal.

"Variance" means a deviation from a provision of this division and chapter 6.5 of the Health and Safety Code authorized pursuant to section 66260.210 or Health and Safety Code section 25143 .

"Vehicle" means a device by which any person or property, including waste, may be propelled, moved or drawn, excepting a device moved exclusively by human power.

"Vehicle" also means a device by which any person or property, including waste, may be propelled, moved or drawn upon a highway, excepting a device moved

exclusively by human power or used exclusively upon stationary rails or tracks.

"Vented" means discharged through an opening, typically an open-ended pipe or stack, allowing the passage of a stream of liquids, gases, or fumes into the atmosphere. The passage of liquids, gases, or fumes is caused by mechanical means such as compressors or vacuum-producing systems or by process-related means such as evaporation produced by heating and not caused by tank loading and unloading (working losses) or by natural means such as diurnal temperature changes.

"Very small quantity generator" means a generator who generates less than or equal to the following amounts in a calendar month:

(1)

100 kilograms (220 lbs) of non-acute hazardous waste; and

(2)

1 kilogram (2.2 lbs) of acute hazardous waste listed in section 66261.31 or section 66261.33(e) of this division; and

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Volatile organic compound" means a compound which is a volatile organic compound according to Method No. 8240 in the Environmental Protection Agency Document No. Sw 846 (1982) or any equivalent, alternative method acceptable to the Department.

"Volatile organic concentration" or "VO concentration" means the fraction by weight of the volatile organic compounds contained in a hazardous waste expressed in terms of parts per million (ppmw) as determined by direct measurement or by knowledge of the waste in accordance with the requirements of section 66265.1084 . For the purpose of determining the VO concentration of a hazardous waste,

organic compounds with a Henry's law constant value of at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in the liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10 atmospheres/gram-mole/m) at 25 degrees Celsius must be included. Appendix VI of chapter 15, article 30 presents a list of compounds known to have a Henry's law constant value less than the cutoff level. "Waste" means waste as defined in section 66261.2 .

"Waste constituent" means a constituent that is reasonably expected to be in or derived from waste contained in a regulated unit.

"Waste determination" means performing all applicable procedures in accordance with the requirements of section 66265.1084 to determine whether a hazardous waste meets standards specified in chapters 14 and 15. Examples of a waste determination include performing the procedures in accordance with the requirements of section 66265.1084 to determine the average VO concentration of a hazardous waste at the point of waste origination; the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste; the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards; or the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

"Waste pile" see "Pile."

"Waste stabilization process" means any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095 (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846, Third Edition, September 1986, as amended by Update I, November

15, 1992 (incorporated by reference-refer to section 66260.11). A waste stabilization process includes mixing the hazardous waste with binders or other materials, and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification." This does not include the adding of absorbent materials to the surface of a waste, without mixing, agitation, or subsequent curing, to absorb free liquid.

"Wastewaters" means, for the purposes of chapter 18 of this division, wastes that contain less than one percent by weight total organic carbon (TOC) and less than one percent by weight total suspended solids (TSS).

"Wastewater treatment unit" means a device which:

(a)

is part of a wastewater treatment facility which is subject to regulation under either section 402 (33 U.S.C. section 1317) or 307(b) (33 U.S.C. section 1342) of the Federal Clean Water Act; and

(b)

receives and treats or stores an influent wastewater which is a hazardous waste as defined in chapter 11 of this division, or that generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in chapter 11 of this division, or treats or stores a waste-water treatment sludge which is a hazardous waste as defined in chapter 11 of this division; and

(c)

meets the definition of tank or tank system in this section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

"Water reactive" means having properties of, when contacted by water, reacting

violently, generating extreme heat, burning, exploding or rapidly reacting to produce an ignitable, toxic or corrosive mist, vapor or gas.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection": (See "underground injection.")

"X-bar chart" means a control chart for evaluating the process level or subgroup differences in terms of the subgroup average.

"Zone of aeration" see "Unsaturated zone."

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to ground water or surface water.

"Zone of saturation" see "Saturated zone."