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Title 22@ Social Security

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

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Chapter 10@ Hazardous Waste Management System: General

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Article 3@ Variances

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Section 66260.23@ Factors for Petitions to Include Other Wastes Under Chapter 23

66260.23 Factors for Petitions to Include Other Wastes Under Chapter 23

The Director will evaluate petitions submitted under section 66260.22 using the following factors:

(a)

The waste or category of waste, as generated by a wide variety of generators, is listed in article 4 of chapter 11 of this division, or if not listed, a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in article 3 of chapter 11 of this division. [When a characteristic waste is added to the universal waste regulations in chapter 23 by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in section 66273.9 of chapter 23 will be amended to include only hazardous waste portions of the waste category (e.g., hazardous waste batteries).] Thus, only the portion of the waste stream that exhibits one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of chapter 23;

(b)

The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including for example, households, retail and commercial businesses, office complexes, very small quantity generators, small businesses, governmental organizations, as well as large industrial facilities);

(c)

The waste or category of waste is generated by a large number of generators and is frequently generated in relatively small quantities by each generator;

(d)

Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

(e)

The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to sections 66273.33, 66273.33.5, and 66273.52; and/or applicable Department of Transportation requirements) would be protective of human health and the environment during accumulation and transport;

(f)

Regulation of the waste or waste category under chapter 23 will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal wastestream, non-hazardous industrial or commercial wastestream, municipal sewer or stormwater systems) to recycling, treatment or disposal in compliance with this division and division 20 of the California Health and Safety Code;

(g)

Regulation of the waste or category of waste under chapter 23 will improve implementation of and compliance with the hazardous waste regulatory program; and/or;

(h)

Such other factors as may be appropriate.