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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 11@ Identification and Listing of Hazardous Waste

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Article 1@ General

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Section 66261.6@ Requirements for Recyclable Materials

## **66261.6 Requirements for Recyclable Materials**

### **(a)**

(1) Recyclable materials are subject to the applicable requirements for generators, transporters and facilities of articles 1 and 2 of chapter 16 of this division, except as specified otherwise for the materials listed in subsections (a)(2), (a)(3), (a)(4), (a)(5), and (a)(6) of this section. (2) The following recyclable materials are also regulated under the articles (of chapter 16 of this division) specified below, and all applicable provisions in chapters 20 and 21 of this division: (A) [RESERVED]; (B) hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under article 15 of chapter 14 or 15 of this division are regulated under article 8 of chapter 16 of this division. (C) spent lead-acid storage batteries that are being reclaimed are regulated under article 7 of chapter 16 of this division; (D) recyclable materials that are being used in agriculture are regulated under article 8.5 of chapter 16 of this division; (E) waste elemental mercury that is being recycled is regulated under article 9 of chapter 16 of this division. (3) The following are not subject to regulation under this division, and are not subject to the notification requirements of Health and Safety Code section 25153.6: (A) materials that can be shown to be recycled by methods identified in subdivisions (b), (c) or (d) of Health and Safety Code section 25143.2; and (B) scrap metal as defined in section 66260.10. However, scrap metal that meets the definition of a RCRA hazardous waste is not subject to regulation under this

division and is not subject to the notification requirements of Health and Safety Code section 25153.6, only when the scrap metal is being recycled; and (C) hazardous wastes that exhibit the characteristic of toxicity specified in section 66261.24(a)(1) and do not exhibit any other characteristic of a hazardous waste specified in article 3 of this chapter (commencing with section 66261.20), are not listed in article 4 of this chapter (commencing with section 66261.30), and that qualify as one of the materials specified in 40 CFR section 261.6(a)(3) (incorporated by reference in section 66260.11); and (D) industrial ethyl alcohol that is reclaimed and meets the legitimacy criteria in 40 Code of Federal Regulations section 260.43, incorporated by reference as of July 1, 2023, except that exports and imports of such recyclable materials must comply with the requirements of article 8 of chapter 12 of this division.

1. A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, must comply with the requirements applicable to a primary exporter in subsections 66262.83(b), (g)(1)-(4), (g)(6), and (i), export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in subsection 66262.81(h), and provide a copy of the EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;

2. Transporters transporting a shipment for export may not accept a shipment if the person knows the shipment does not conform to the EPA Acknowledgment of Consent, must ensure that a copy of the EPA Acknowledgment of Consent accompanies the shipment and must ensure that it is delivered to the facility designated by the person initiating the shipment.

(4) The following are prohibited as specified: (A) the use of material (e.g., waste, used oil or other material) which is contaminated with dioxin or any other hazardous waste (other than a waste identified solely on the basis of

ignitability), for dust suppression or road treatment is prohibited; (B) the use of used oil as a road oil, dust suppressant or weed control agent is prohibited, except as provided otherwise in Health and Safety Code section 25250.5. (5) The following hazardous waste, when recycled, is exempt from the restrictions concerning the materials used in a manner constituting disposal or used to produce products that are applied to the land, as provided in Section 25143.2(e) of the Health and Safety Code. (A) Spent catalyst generated from the Fluid Catalytic cracking (FCC) unit in a petroleum refinery when it is recycled at portland cement kilns as the substitute of alumina and silica in the kiln feed. The concentration of the extractable heavy metals in the FCC catalyst shall not exceed the values given in Table I-C CCWE, Section 66268.106(a) except for nickel and vanadium. The total concentration of nickel and vanadium in the FCC catalyst shall not exceed 3,000 mg/kg, combined. (6) Hazardous wastes that meet all the following criteria are not subject to regulation under this division but, instead, are subject to regulation as specified in 40 CFR section 261.6(a)(2) (incorporated by reference in section 66260.11): (A) the hazardous waste exhibits the characteristic of a hazardous waste specified in section 66261.24(a)(1); (B) the hazardous waste does not exhibit any other characteristic of a hazardous waste specified in article 3 of this chapter (commencing with section 66261.20); (C) the hazardous waste is not listed in article 4 of this chapter (commencing with section 66261.30); (D) the hazardous waste is not listed in article 4.1 of this chapter (commencing with section 66261.50); and (E) the hazardous waste qualifies for regulation pursuant to 40 CFR section 261.6(a)(2) (incorporated by reference in section 66260.11). (7) Hazardous waste that is exported or imported for purpose of recovery is subject to the requirements of 40 Code of Federal Regulations Part 262, Subpart H and this article, if it is subject to either the Federal manifesting

requirements of 40 Code of Federal Regulations Part 262, or to the universal waste management standards of 40 Code of Federal Regulations Part 273.

**(1)**

Recyclable materials are subject to the applicable requirements for generators, transporters and facilities of articles 1 and 2 of chapter 16 of this division, except as specified otherwise for the materials listed in subsections (a)(2), (a)(3), (a)(4), (a)(5), and (a)(6) of this section.

**(2)**

The following recyclable materials are also regulated under the articles (of chapter 16 of this division) specified below, and all applicable provisions in chapters 20 and 21 of this division: (A) [RESERVED]; (B) hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under article 15 of chapter 14 or 15 of this division are regulated under article 8 of chapter 16 of this division. (C) spent lead-acid storage batteries that are being reclaimed are regulated under article 7 of chapter 16 of this division; (D) recyclable materials that are being used in agriculture are regulated under article 8.5 of chapter 16 of this division; (E) waste elemental mercury that is being recycled is regulated under article 9 of chapter 16 of this division.

**(A)**

[RESERVED];

**(B)**

hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under article 15 of chapter 14 or 15 of this division are regulated under article 8 of chapter 16 of this division.

**(C)**

spent lead-acid storage batteries that are being reclaimed are regulated under article 7 of chapter 16 of this division;

**(D)**

recyclable materials that are being used in agriculture are regulated under article 8.5 of chapter 16 of this division;

**(E)**

waste elemental mercury that is being recycled is regulated under article 9 of chapter 16 of this division.

**(3)**

The following are not subject to regulation under this division, and are not subject to the notification requirements of Health and Safety Code section 25153.6: (A) materials that can be shown to be recycled by methods identified in subdivisions (b), (c) or (d) of Health and Safety Code section 25143.2; and (B) scrap metal as defined in section 66260.10. However, scrap metal that meets the definition of a RCRA hazardous waste is not subject to regulation under this division and is not subject to the notification requirements of Health and Safety Code section 25153.6, only when the scrap metal is being recycled; and (C) hazardous wastes that exhibit the characteristic of toxicity specified in section 66261.24(a)(1) and do not exhibit any other characteristic of a hazardous waste specified in article 3 of this chapter (commencing with section 66261.20), are not listed in article 4 of this chapter (commencing with section 66261.30), and that qualify as one of the materials specified in 40 CFR section 261.6(a)(3) (incorporated by reference in section 66260.11); and (D) industrial ethyl alcohol that is reclaimed and meets the legitimacy criteria in 40 Code of Federal Regulations section 260.43, incorporated by reference as of July 1, 2023, except that exports and imports of such recyclable materials must comply with the requirements of article 8 of chapter 12 of this division. 1. A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, must comply with the requirements applicable to a primary

exporter in subsections 66262.83(b), (g)(1)-(4), (g)(6), and (i), export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in subsection 66262.81(h), and provide a copy of the EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export; 2. Transporters transporting a shipment for export may not accept a shipment if the person knows the shipment does not conform to the EPA Acknowledgment of Consent, must ensure that a copy of the EPA Acknowledgment of Consent accompanies the shipment and must ensure that it is delivered to the facility designated by the person initiating the shipment.

**(A)**

materials that can be shown to be recycled by methods identified in subdivisions (b), (c) or (d) of Health and Safety Code section 25143.2; and

**(B)**

scrap metal as defined in section 66260.10. However, scrap metal that meets the definition of a RCRA hazardous waste is not subject to regulation under this division and is not subject to the notification requirements of Health and Safety Code section 25153.6, only when the scrap metal is being recycled; and

**(C)**

hazardous wastes that exhibit the characteristic of toxicity specified in section 66261.24(a)(1) and do not exhibit any other characteristic of a hazardous waste specified in article 3 of this chapter (commencing with section 66261.20), are not listed in article 4 of this chapter (commencing with section 66261.30), and that qualify as one of the materials specified in 40 CFR section 261.6(a)(3) (incorporated by reference in section 66260.11); and

**(D)**

industrial ethyl alcohol that is reclaimed and meets the legitimacy criteria in 40 Code of

Federal Regulations section 260.43, incorporated by reference as of July 1, 2023, except that exports and imports of such recyclable materials must comply with the requirements of article 8 of chapter 12 of this division. 1. A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, must comply with the requirements applicable to a primary exporter in subsections 66262.83(b), (g)(1)-(4), (g)(6), and (i), export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in subsection 66262.81(h), and provide a copy of the EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export; 2. Transporters transporting a shipment for export may not accept a shipment if the person knows the shipment does not conform to the EPA Acknowledgment of Consent, must ensure that a copy of the EPA Acknowledgment of Consent accompanies the shipment and must ensure that it is delivered to the facility designated by the person initiating the shipment.

**1.**

A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, must comply with the requirements applicable to a primary exporter in subsections 66262.83(b), (g)(1)-(4), (g)(6), and (i), export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in subsection 66262.81(h), and provide a copy of the EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;

**2.**

Transporters transporting a shipment for export may not accept a shipment if the person knows the shipment does not conform to the EPA Acknowledgment of Consent, must ensure that a copy of the EPA Acknowledgment of Consent accompanies the shipment and must ensure that it is delivered to the facility designated by the person initiating the shipment.

The following are prohibited as specified: (A) the use of material (e.g., waste, used oil or other material) which is contaminated with dioxin or any other hazardous waste (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment is prohibited; (B) the use of used oil as a road oil, dust suppressant or weed control agent is prohibited, except as provided otherwise in Health and Safety Code section 25250.5.

**(A)**

the use of material (e.g., waste, used oil or other material) which is contaminated with dioxin or any other hazardous waste (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment is prohibited;

**(B)**

the use of used oil as a road oil, dust suppressant or weed control agent is prohibited, except as provided otherwise in Health and Safety Code section 25250.5.

**(5)**

The following hazardous waste, when recycled, is exempt from the restrictions concerning the materials used in a manner constituting disposal or used to produce products that are applied to the land, as provided in Section 25143.2(e) of the Health and Safety Code. (A) Spent catalyst generated from the Fluid Catalytic cracking (FCC) unit in a petroleum refinery when it is recycled at portland cement kilns as the substitute of alumina and silica in the kiln feed. The concentration of the extractable heavy metals in the FCC catalyst shall not exceed the values given in Table I-C CCWE, Section 66268.106(a) except for nickel and vanadium. The total concentration of nickel and vanadium in the FCC catalyst shall not exceed 3,000 mg/kg, combined.

**(A)**

Spent catalyst generated from the Fluid Catalytic cracking (FCC) unit in a petroleum refinery when it is recycled at portland cement kilns as the substitute of alumina and silica in the kiln



feed. The concentration of the extractable heavy metals in the FCC catalyst shall not exceed the values given in Table I-C CCWE, Section 66268.106(a) except for nickel and vanadium. The total concentration of nickel and vanadium in the FCC catalyst shall not exceed 3,000 mg/kg, combined.

**(6)**

Hazardous wastes that meet all the following criteria are not subject to regulation under this division but, instead, are subject to regulation as specified in 40 CFR section 261.6(a)(2) (incorporated by reference in section 66260.11): (A) the hazardous waste exhibits the characteristic of a hazardous waste specified in section 66261.24(a)(1); (B) the hazardous waste does not exhibit any other characteristic of a hazardous waste specified in article 3 of this chapter (commencing with section 66261.20); (C) the hazardous waste is not listed in article 4 of this chapter (commencing with section 66261.30); (D) the hazardous waste is not listed in article 4.1 of this chapter (commencing with section 66261.50); and (E) the hazardous waste qualifies for regulation pursuant to 40 CFR section 261.6(a)(2) (incorporated by reference in section 66260.11).

**(A)**

the hazardous waste exhibits the characteristic of a hazardous waste specified in section 66261.24(a)(1);

**(B)**

the hazardous waste does not exhibit any other characteristic of a hazardous waste specified in article 3 of this chapter (commencing with section 66261.20);

**(C)**

the hazardous waste is not listed in article 4 of this chapter (commencing with section 66261.30);

**(D)**

the hazardous waste is not listed in article 4.1 of this chapter (commencing with section 66261.50); and

**(E)**

the hazardous waste qualifies for regulation pursuant to 40 CFR section 261.6(a)(2) (incorporated by reference in section 66260.11).

**(7)**

Hazardous waste that is exported or imported for purpose of recovery is subject to the requirements of 40 Code of Federal Regulations Part 262, Subpart H and this article, if it is subject to either the Federal manifesting requirements of 40 Code of Federal Regulations Part 262, or to the universal waste management standards of 40 Code of Federal Regulations Part 273.

**(b)**

Owners and operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of articles 1 through 12, 27, 28, and 28.5 of chapters 14 and 15 and any applicable provisions of chapters 16, 18, and 20 and the notification requirements under section 3010 of RCRA, except as provided in subsection (a) of this section.

**(c)**

Owners or operators of facilities subject to RCRA permitting requirements with hazardous waste management units that recycle hazardous wastes are subject to the requirements of articles 27 and 28 of chapters 14 or 15.