66261.3 Definition of Hazardous Waste

(a)

A waste, as defined in section 66261.2, is a hazardous waste if: (1) it is not excluded from classification as a waste or a hazardous waste under Health and Safety Code section 25143.2(b) or 25143.2(d) or section 66261.4; and (2) it meets any of the following criteria: (A) it exhibits any of the characteristics of hazardous waste identified in article 3 of this chapter except that any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded under federal 40 CFR section 261.4(b)(7) and any other waste exhibiting a characteristic of hazardous waste under Article 3 of this chapter is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred or if it continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the Toxicity Characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentrations for any contaminant listed in table I to section 66261.24 that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture; (B) it is listed in article 4 of this chapter and has not been excluded by the USEPA Administrator from 40 CFR Part 261 Subpart D pursuant to 40 CFR

sections 260.20 and 260.22; (C) it is listed in or contains a constituent listed in Appendix X to this chapter. However, the waste is not a hazardous waste if:1. it is determined that the waste does not meet the criteria of subsection (a)(2)(B) of this section; and 2. it is determined that the waste does not meet the criteria of subsection (a)(2)(A) of this section by: i. testing the waste according to the methods set forth in article 3 of this chapter, or according to an equivalent method approved by the Department pursuant to section 66260.21; or ii. applying knowledge of the hazardous properties of the waste in light of the materials or the processes used and the characteristics set forth in article 3 of this chapter; (D) it is listed in article 4.1 of this chapter; (E) it is a mixture of a hazardous waste that is listed in article 4 of this chapter other than a hazardous waste listed with hazard code (T) or (H), and another waste, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in article 3 of this chapter. However, nonwastewater mixtures are still subject to the requirements of chapter 18 of this division, even if they no longer exhibit a characteristic at the point of land disposal; (F) it is a mixture of a waste and one or more hazardous wastes listed in article 4 of this chapter which has not been excluded by the USEPA Administrator from 40 CFR Part 261 Subpart D pursuant to 40 CFR sections 260.20 and 260.22. However, the following mixtures of wastes and hazardous wastes listed in article 4 of this chapter are not hazardous wastes (except by application of subsection (a)(2)(A) or (a)(2)(B) of this section) if the generator can demonstrate that the mixture consists of wastewater, the discharge of which is subject to regulation under either section 402 or section 307(b) of the Clean Water Act (including wastewater at facilities which have eliminated the discharge of wastewater), and: 1. one or more of the following spent solvents listed in section 66261.31 -- carbon tetrachloride, tetrachloroethylene,

trichoroethylene -- provided, that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million; or 2. one or more of the following spent solvents listed in section 66261.31 -- methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents -- provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million; or 3. heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste No. K050); or 4. a discarded commercial chemical product, or chemical intermediate listed in section 66261.33 arising from "de minimis" losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this subsection, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; or 5. wastewater resulting from laboratory operations containing toxic (T) wastes listed in article 4 of this

chapter, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system, or provided the wastes, combined annualized average concentration does not exceed one part per million in the headworks of facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation; or 6. One or more of the following wastes listed in 40 CFR § 261.32 -wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157)-Provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that can not be demonstrated to be reacted in the process, destroyed through treatment, or is recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight; or 7. Wastewaters derived from the treatment of one or more of the following wastes listed in 40 CFR § 261.32 -organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156).-Provided, that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter. (G) it is not classified as a hazardous waste by application of the criteria in subsections (a)(2)(A) through (a)(2)(F) of this section, but has been classified as a hazardous waste by the Department because it otherwise conforms to the definition of hazardous waste set forth in Health and Safety Code section 25117.

(1)

it is not excluded from classification as a waste or a hazardous waste under Health and Safety Code section 25143.2(b) or 25143.2(d) or section 66261.4; and

(2)

it meets any of the following criteria: (A) it exhibits any of the characteristics of hazardous waste identified in article 3 of this chapter except that any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded under federal 40 CFR section 261.4(b)(7) and any other waste exhibiting a characteristic of hazardous waste under Article 3 of this chapter is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred or if it continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the Toxicity Characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentrations for any contaminant listed in table I to section 66261.24 that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture; (B) it is listed in article 4 of this chapter and has not been excluded by the USEPA Administrator from 40 CFR Part 261 Subpart D pursuant to 40 CFR sections 260.20 and 260.22; (C) it is listed in or contains a constituent listed in Appendix X to this chapter. However, the waste is not a hazardous waste if:1. it is determined that the waste does not meet the criteria of subsection (a)(2)(B) of this section; and 2. it is determined that the waste does not meet the criteria of subsection (a)(2)(A) of this section by: i. testing the waste according to the methods set forth in article 3 of this chapter, or according to an equivalent method approved by the Department pursuant to section 66260.21; or ii. applying knowledge of the hazardous properties of the

waste in light of the materials or the processes used and the characteristics set forth in article 3 of this chapter; (D) it is listed in article 4.1 of this chapter; (E) it is a mixture of a hazardous waste that is listed in article 4 of this chapter other than a hazardous waste listed with hazard code (T) or (H), and another waste, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in article 3 of this chapter. However, nonwastewater mixtures are still subject to the requirements of chapter 18 of this division, even if they no longer exhibit a characteristic at the point of land disposal; (F) it is a mixture of a waste and one or more hazardous wastes listed in article 4 of this chapter which has not been excluded by the USEPA Administrator from 40 CFR Part 261 Subpart D pursuant to 40 CFR sections 260.20 and 260.22. However, the following mixtures of wastes and hazardous wastes listed in article 4 of this chapter are not hazardous wastes (except by application of subsection (a)(2)(A) or (a)(2)(B) of this section) if the generator can demonstrate that the mixture consists of wastewater, the discharge of which is subject to regulation under either section 402 or section 307(b) of the Clean Water Act (including wastewater at facilities which have eliminated the discharge of wastewater), and: 1. one or more of the following spent solvents listed in section 66261.31 -- carbon tetrachloride, tetrachloroethylene, trichoroethylene -- provided, that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million; or 2. one or more of the following spent solvents listed in section 66261.31 -- methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents -- provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be

discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million; or 3. heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste No. K050); or 4. a discarded commercial chemical product, or chemical intermediate listed in section 66261.33 arising from "de minimis" losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this subsection, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; or 5. wastewater resulting from laboratory operations containing toxic (T) wastes listed in article 4 of this chapter, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system, or provided the wastes, combined annualized average concentration does not exceed one part per million in the headworks of facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation; or 6. One or more of the following wastes listed in 40 CFR § 261.32 -wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157)-Provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that can not be demonstrated to be reacted in the process,

destroyed through treatment, or is recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight; or 7. Wastewaters derived from the treatment of one or more of the following wastes listed in 40 CFR § 261.32 -organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156).-Provided, that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter. (G) it is not classified as a hazardous waste by application of the criteria in subsections (a)(2)(A) through (a)(2)(F) of this section, but has been classified as a hazardous waste by the Department because it otherwise conforms to the definition of hazardous waste set forth in Health and Safety Code section 25117.

(A)

it exhibits any of the characteristics of hazardous waste identified in article 3 of this chapter except that any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded under federal 40 CFR section 261.4(b)(7) and any other waste exhibiting a characteristic of hazardous waste under Article 3 of this chapter is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred or if it continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the Toxicity Characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentrations for any contaminant listed in table I to section 66261.24 that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for

any contaminant exceeded by the nonexempt waste prior to mixture;

(B)

it is listed in article 4 of this chapter and has not been excluded by the USEPA Administrator from 40 CFR Part 261 Subpart D pursuant to 40 CFR sections 260.20 and 260.22;

(C)

it is listed in or contains a constituent listed in Appendix X to this chapter. However, the waste is not a hazardous waste if:1. it is determined that the waste does not meet the criteria of subsection (a)(2)(B) of this section; and 2. it is determined that the waste does not meet the criteria of subsection (a)(2)(A) of this section by: i. testing the waste according to the methods set forth in article 3 of this chapter, or according to an equivalent method approved by the Department pursuant to section 66260.21; or ii. applying knowledge of the hazardous properties of the waste in light of the materials or the processes used and the characteristics set forth in article 3 of this chapter;

1.

it is determined that the waste does not meet the criteria of subsection (a)(2)(B) of this section; and

2.

it is determined that the waste does not meet the criteria of subsection (a)(2)(A) of this section by: i. testing the waste according to the methods set forth in article 3 of this chapter, or according to an equivalent method approved by the Department pursuant to section 66260.21; or ii. applying knowledge of the hazardous properties of the waste in light of the materials or the processes used and the characteristics set forth in article 3 of this chapter;

i.

testing the waste according to the methods set forth in article 3 of this chapter, or according to an equivalent method approved by the Department pursuant to section 66260.21; or

ii.

applying knowledge of the hazardous properties of the waste in light of the materials or the processes used

and the characteristics set forth in article 3 of this chapter;

(D)

it is listed in article 4.1 of this chapter;

(E)

it is a mixture of a hazardous waste that is listed in article 4 of this chapter other than a hazardous waste listed with hazard code (T) or (H), and another waste, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in article 3 of this chapter. However, nonwastewater mixtures are still subject to the requirements of chapter 18 of this division, even if they no longer exhibit a characteristic at the point of land disposal;

(F)

it is a mixture of a waste and one or more hazardous wastes listed in article 4 of this chapter which has not been excluded by the USEPA Administrator from 40 CFR Part 261 Subpart D pursuant to 40 CFR sections 260.20 and 260.22. However, the following mixtures of wastes and hazardous wastes listed in article 4 of this chapter are not hazardous wastes (except by application of subsection (a)(2)(A) or (a)(2)(B) of this section) if the generator can demonstrate that the mixture consists of wastewater, the discharge of which is subject to regulation under either section 402 or section 307(b) of the Clean Water Act (including wastewater at facilities which have eliminated the discharge of wastewater), and: 1. one or more of the following spent solvents listed in section 66261.31 -- carbon tetrachloride, tetrachloroethylene, trichoroethylene -- provided, that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million; or 2. one or more of the following spent solvents listed in section 66261.31 -- methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid,

nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents -- provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million; or 3. heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste No. K050); or 4. a discarded commercial chemical product, or chemical intermediate listed in section 66261.33 arising from "de minimis" losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this subsection, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; or 5. wastewater resulting from laboratory operations containing toxic (T) wastes listed in article 4 of this chapter, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system, or provided the wastes, combined annualized average concentration does not exceed one part per million in the headworks of facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation; or 6. One or more of the following wastes listed in 40 CFR § 261.32 -wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157)-Provided that the maximum weekly usage of formaldehyde,

methyl chloride, methylene chloride, and triethylamine (including all amounts that can not be demonstrated to be reacted in the process, destroyed through treatment, or is recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight; or 7. Wastewaters derived from the treatment of one or more of the following wastes listed in 40 CFR § 261.32 -organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156).-Provided, that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter.

1.

one or more of the following spent solvents listed in section 66261.31 -- carbon tetrachloride, tetrachloroethylene, trichoroethylene -- provided, that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million; or

2.

one or more of the following spent solvents listed in section 66261.31 -- methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents -- provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million; or

3.

heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste No. K050); or

4.

a discarded commercial chemical product, or chemical intermediate listed in section 66261.33 arising from "de minimis" losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this subsection, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; or

5.

wastewater resulting from laboratory operations containing toxic (T) wastes listed in article 4 of this chapter, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system, or provided the wastes, combined annualized average concentration does not exceed one part per million in the headworks of facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation; or

6.

One or more of the following wastes listed in 40 CFR § 261.32 -wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157)-Provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that can not be demonstrated to be reacted in the process, destroyed through treatment,

or is recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight; or

7.

Wastewaters derived from the treatment of one or more of the following wastes listed in 40 CFR § 261.32 -organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156).-Provided, that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter.

(G)

it is not classified as a hazardous waste by application of the criteria in subsections (a)(2)(A) through (a)(2)(F) of this section, but has been classified as a hazardous waste by the Department because it otherwise conforms to the definition of hazardous waste set forth in Health and Safety Code section 25117.

(b)

A waste which is not excluded from classification as a waste or hazardous waste under the provisions of section 66261.4(b) or Health and Safety Code section 25143.2(b) or 25143.2(d) becomes a hazardous waste when any of the following events occur: (1) In the case of a waste listed in article 4 of this chapter, when the waste first meets the listing description set forth in article 4 of this chapter; (2) In the case of a waste listed in article 4.1 of this chapter, when the waste first meets the listing description set forth in article 4.1 of this chapter; (3) In the case of a mixture of waste and one or more hazardous wastes listed in article 4 of this chapter, when the hazardous waste listed in article 4 of this chapter is first added to the waste. (4) In the case of any other waste (including

a waste mixture), when the waste exhibits any of the characteristics identified in article 3 of this chapter.

(1)

In the case of a waste listed in article 4 of this chapter, when the waste first meets the listing description set forth in article 4 of this chapter;

(2)

In the case of a waste listed in article 4.1 of this chapter, when the waste first meets the listing description set forth in article 4.1 of this chapter;

(3)

In the case of a mixture of waste and one or more hazardous wastes listed in article 4 of this chapter, when the hazardous waste listed in article 4 of this chapter is first added to the waste.

(4)

In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in article 3 of this chapter.

(c)

(1) A hazardous waste will remain a hazardous waste unless and until it meets the criteria of subsection (d) of this section. Except as otherwise provided in subsections (c)(2), (c)(3), (c)(4), and (c)(5) of this section, any waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate including precipitation run-off is a hazardous waste. (However, materials that are reclaimed from wastes and that are used beneficially are not wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.) (2) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel

industry (SIC Codes 331 and 332) is not hazardous even though it is generated from the treatment, storage, or disposal of a hazardous waste, unless it exhibits one or more of the characteristics of hazardous waste. (3) (A) Nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062 or F006 waste, in units identified as rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations or industrial furnaces (as defined in section 66260.10, for "Industrial furnace", (f), (g) and (l)), that are disposed in RCRA Subtitle D units, provided that these residues meet the generic exclusion levels identified below for all constituents, and exhibit no characteristics of hazardous waste, as identified in article 3 of Chapter 11 of division 4.5, Title 22, CCR. Testing requirements shall be incorporated in a facility's waste analysis plan; at a minimum, composite samples of residues shall be collected and analyzed quarterly and/or when the process or operation generating the waste changes. Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements. ConstituentMaximum for any single composite sample - TCLP mg/L Generic exclusion levels for K061 and K062 nonwastewater HTMR residues Antimony0.10 Arsenic0.50 Barium7.6 Beryllium0.010 Cadmium0.050 Chromium (total)0.33 Lead0.15 Mercury0.009 Nickel1.0 Selenium0.16 Silver0.30 Thallium0.020 Zinc70 ConstituentMaximum for any single composite sample - TCLP mg/L Generic exclusion levels for F006 nonwastewater HTMR residues Antimony0.10 Arsenic0.50 Barium7.6 Beryllium0.010 Cadmium0.050 Chromium (total)0.33 Cyanide (total)(mg/kg)1.8 Lead0.15 Mercury0.009 Nickel1.0 Selenium0.16 Silver0.30 Thallium0.020 Zinc70 (B) A one-time notification and certification shall be placed in the facility's files and sent to the Department for

K061, K062 or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics in article 3 of chapter 11 that are sent to a RCRA subtitle D unit. The notification and certification that is placed in the generators or treaters files shall be updated if the process or operation generating the waste changes and/or if the 40 CFR subtitle D unit receiving the waste changes. However, the generator or treater need only notify the Department on an annual basis if such changes occur. Such notification and certification should be sent to the Department by the end of the calendar year, but no later than December 31. The notification shall include the following information: (1) The name and address of the RCRA Subtitle D unit receiving the waste shipment; (2) the EPA hazardous waste number(s) and treatability group(s) at the initial point of generation; and (3) the treatment standards applicable to the waste at the initial point of generation. The certification shall be signed by an authorized representative and shall state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste, as identified in article 3 of chapter 11 of division 4.5, Title 22, CCR, is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment." (4) Biological treatment sludge from the treatment of one of the following wastes listed in 40 CFR § 261.32 - organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156), and wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157) - is not a hazardous waste even though it is generated from the treatment, storage, or disposal of a hazardous waste, unless it exhibits one or more of the characteristics of

hazardous waste. (5) Waste consisting of only material derived from the treatment or recycling of one or more hazardous wastes listed in article 4.1 of this chapter is not a hazardous waste, provided the material does not exhibit any of the characteristics identified in article 3 of this chapter, and does not meet any listing description in article 4.1 of this chapter.

(1)

A hazardous waste will remain a hazardous waste unless and until it meets the criteria of subsection (d) of this section. Except as otherwise provided in subsections (c)(2), (c)(3), (c)(4), and (c)(5) of this section, any waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate including precipitation run-off is a hazardous waste. (However, materials that are reclaimed from wastes and that are used beneficially are not wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

(2)

Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332) is not hazardous even though it is generated from the treatment, storage, or disposal of a hazardous waste, unless it exhibits one or more of the characteristics of hazardous waste.

(3)

(A) Nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062 or F006 waste, in units identified as rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations or industrial furnaces (as defined in section 66260.10, for "Industrial furnace", (f), (g) and (l)), that are disposed in RCRA

Subtitle D units, provided that these residues meet the generic exclusion levels identified below for all constituents, and exhibit no characteristics of hazardous waste, as identified in article 3 of Chapter 11 of division 4.5, Title 22, CCR. Testing requirements shall be incorporated in a facility's waste analysis plan; at a minimum, composite samples of residues shall be collected and analyzed quarterly and/or when the process or operation generating the waste changes. Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements.

ConstituentMaximum for any single composite sample - TCLP mg/L Generic exclusion levels for K061 and K062 nonwastewater HTMR residues Antimony0.10 Arsenic0.50 Barium7.6 Beryllium0.010 Cadmium0.050 Chromium (total)0.33 Lead0.15 Mercury0.009 Nickel1.0 Selenium0.16 Silver0.30 Thallium0.020 Zinc70

ConstituentMaximum for any single composite sample - TCLP mg/L Generic exclusion levels for F006 nonwastewater HTMR residues Antimony0.10 Arsenic0.50 Barium7.6 Beryllium0.010 Cadmium0.050 Chromium (total)0.33 Cyanide (total)(mg/kg)1.8 Lead0.15 Mercury0.009 Nickel1.0 Selenium0.16 Silver0.30 Thallium0.020 Zinc70

(B) A one-time notification and certification shall be placed in the facility's files and sent to the Department for K061, K062 or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics in article 3 of chapter 11 that are sent to a RCRA subtitle D unit. The notification and certification that is placed in the generators or treaters files shall be updated if the process or operation generating the waste changes and/or if the 40 CFR subtitle D unit receiving the waste changes. However, the generator or treater need only notify the Department on an annual basis if such changes occur. Such notification and certification should be sent to the Department by the end of the calendar year, but no later than December 31. The notification shall include the following information: (1) The name and address

of the RCRA Subtitle D unit receiving the waste shipment; (2) the EPA hazardous waste number(s) and treatability group(s) at the initial point of generation; and (3) the treatment standards applicable to the waste at the initial point of generation. The certification shall be signed by an authorized representative and shall state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste, as identified in article 3 of chapter 11 of division 4.5, Title 22, CCR, is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment." (4) Biological treatment sludge from the treatment of one of the following wastes listed in 40 CFR § 261.32 - organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156), and wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157) - is not a hazardous waste even though it is generated from the treatment, storage, or disposal of a hazardous waste, unless it exhibits one or more of the characteristics of hazardous waste. (5) Waste consisting of only material derived from the treatment or recycling of one or more hazardous wastes listed in article 4.1 of this chapter is not a hazardous waste, provided the material does not exhibit any of the characteristics identified in article 3 of this chapter, and does not meet any listing description in article 4.1 of this chapter.

(A)

Nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062 or F006 waste, in units identified as rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations or industrial furnaces (as defined in section 66260.10, for "Industrial furnace", (f), (g) and (l)), that are disposed in RCRA Subtitle D units, provided that these

residues meet the generic exclusion levels identified below for all constituents, and exhibit no characteristics of hazardous waste, as identified in article 3 of Chapter 11 of division 4.5, Title 22, CCR. Testing requirements shall be incorporated in a facility's waste analysis plan; at a minimum, composite samples of residues shall be collected and analyzed quarterly and/or when the process or operation generating the waste changes. Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements. ConstituentMaximum for any single composite sample - TCLP mg/L Generic exclusion levels for K061 and K062 nonwastewater HTMR residues Antimony0.10 Arsenic0.50 Barium7.6 Beryllium0.010 Cadmium0.050 Chromium (total)0.33 Lead0.15 Mercury0.009 Nickel1.0 Selenium0.16 Silver0.30 Thallium0.020 Zinc70 ConstituentMaximum for any single composite sample - TCLP mg/L Generic exclusion levels for F006 nonwastewater HTMR residues Antimony0.10 Arsenic0.50 Barium7.6 Beryllium0.010 Cadmium0.050 Chromium (total)0.33 Cyanide (total)(mg/kg)1.8 Lead0.15 Mercury0.009 Nickel1.0 Selenium0.16 Silver0.30 Thallium0.020 Zinc70

(B)

A one-time notification and certification shall be placed in the facility's files and sent to the Department for K061, K062 or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics in article 3 of chapter 11 that are sent to a RCRA subtitle D unit. The notification and certification that is placed in the generators or treaters files shall be updated if the process or operation generating the waste changes and/or if the 40 CFR subtitle D unit receiving the waste changes. However, the generator or treater need only notify the Department on an annual basis if such changes occur. Such notification and certification should be sent to the Department by the end of the calendar year, but no later than December 31. The notification shall include the following information: (1) The name and address of the RCRA Subtitle D unit receiving the waste

shipment; (2) the EPA hazardous waste number(s) and treatability group(s) at the initial point of generation; and (3) the treatment standards applicable to the waste at the initial point of generation. The certification shall be signed by an authorized representative and shall state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste, as identified in article 3 of chapter 11 of division 4.5, Title 22, CCR, is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment." (4) Biological treatment sludge from the treatment of one of the following wastes listed in 40 CFR § 261.32 - organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156), and wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157) - is not a hazardous waste even though it is generated from the treatment, storage, or disposal of a hazardous waste, unless it exhibits one or more of the characteristics of hazardous waste. (5) Waste consisting of only material derived from the treatment or recycling of one or more hazardous wastes listed in article 4.1 of this chapter is not a hazardous waste, provided the material does not exhibit any of the characteristics identified in article 3 of this chapter, and does not meet any listing description in article 4.1 of this chapter.

(1)

The name and address of the RCRA Subtitle D unit receiving the waste shipment;

(2)

the EPA hazardous waste number(s) and treatability group(s) at the initial point of generation; and

(3)

the treatment standards applicable to the waste at the initial point of generation. The certification shall be signed by an authorized representative and shall state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible

dilution and that no characteristic of hazardous waste, as identified in article 3 of chapter 11 of division 4.5, Title 22, CCR, is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

(4)

Biological treatment sludge from the treatment of one of the following wastes listed in 40 CFR § 261.32 - organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156), and wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157) - is not a hazardous waste even though it is generated from the treatment, storage, or disposal of a hazardous waste, unless it exhibits one or more of the characteristics of hazardous waste.

(5)

Waste consisting of only material derived from the treatment or recycling of one or more hazardous wastes listed in article 4.1 of this chapter is not a hazardous waste, provided the material does not exhibit any of the characteristics identified in article 3 of this chapter, and does not meet any listing description in article 4.1 of this chapter.

(d)

Any waste described in subsection (c) of this section is not a hazardous waste if it meets all of the following criteria: (1) the waste does not exhibit any of the characteristics of hazardous waste identified in article 3 of this chapter; (however, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of chapter 18, even if they no longer exhibit a characteristic at the point of land disposal,) (2) in the case of a waste which is a waste listed in article 4 of this chapter, contains a waste listed under article 4 of this chapter or is derived from a waste listed in article 4 of this chapter (but not including precipitation run off), the waste also has been excluded by the USEPA

Administrator from the lists of hazardous wastes in 40 CFR Part 261 Subpart D pursuant to 40 CFR sections 260.20 and 260.22, and (3) the waste is not listed in article 4.1.

(1)

the waste does not exhibit any of the characteristics of hazardous waste identified in article 3 of this chapter; (however, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of chapter 18, even if they no longer exhibit a characteristic at the point of land disposal,)

(2)

in the case of a waste which is a waste listed in article 4 of this chapter, contains a waste listed under article 4 of this chapter or is derived from a waste listed in article 4 of this chapter (but not including precipitation run off), the waste also has been excluded by the USEPA Administrator from the lists of hazardous wastes in 40 CFR Part 261 Subpart D pursuant to 40 CFR sections 260.20 and 260.22, and

(3)

the waste is not listed in article 4.1.

(e)

Notwithstanding subsections (a) through (d) of this section and provided the debris as defined in section 66260.10 of chapter 10 of this division does not exhibit a characteristic identified in article 3 of chapter 11, the following materials are not subject to regulation under chapters 10, 11 to 16, 18 or 20 of this division; (1) Hazardous debris as defined in section 66260.10 of chapter 10 of this division that has been treated using one of the required extraction or destruction technologies specified in Table 1 of section 66268.45; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or

(2) Debris as defined in 66260.10 of chapter 10 of this division that the Department considering the extent of contamination, has determined is no longer contaminated with hazardous waste.

(1)

Hazardous debris as defined in section 66260.10 of chapter 10 of this division that has been treated using one of the required extraction or destruction technologies specified in Table 1 of section 66268.45; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or

(2)

Debris as defined in 66260.10 of chapter 10 of this division that the Department considering the extent of contamination, has determined is no longer contaminated with hazardous waste.