CA

66261.4 Exclusions

(a)

Materials which are not wastes. The following materials are not wastes for the purpose of this chapter:(1) industrial wastewater discharges that are point source discharges subject to regulation under section 402 of the federal Clean Water Act, as amended (33 U.S.C. section 1342). This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment; (2) source, special nuclear or by-product material as defined by the federal Atomic Energy Act of 1954, as amended, (42 U.S.C. section 2011 et seq.); (3) spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in section 66260.10. (4) pulping liquors (e.g., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively as defined in 66260.10. (5) secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided: (A) only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance; (B) reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators); (C) the materials are never

accumulated in such tanks for over twelve months without being reclaimed; and (D) the reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.

(1)

industrial wastewater discharges that are point source discharges subject to regulation under section 402 of the federal Clean Water Act, as amended (33 U.S.C. section 1342). This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment;

(2)

source, special nuclear or by-product material as defined by the federal Atomic Energy Act of 1954, as amended, (42 U.S.C. section 2011 et seq.);

(3)

spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in section 66260.10.

(4)

pulping liquors (e.g., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively as defined in 66260.10.

(5)

secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided: (A) only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance; (B) reclamation does not involve controlled flame

combustion (such as occurs in boilers, industrial furnaces, or incinerators); (C) the materials are never accumulated in such tanks for over twelve months without being reclaimed; and (D) the reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.

(A)

only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(B)

reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

(C)

the materials are never accumulated in such tanks for over twelve months without being reclaimed; and

(D)

the reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.

(b)

Wastes which are not hazardous wastes. The following wastes are not hazardous wastes: (1) infectious waste which consists solely of the carcasses of animals, which is not otherwise hazardous, and which is handled, stored and disposed of according to all applicable requirements established by the Department of Food and Agriculture pursuant to provisions of chapter 1, part 1, division 5 (commencing with section 9101) and of chapter 5, part 3, division 9 (commencing with section 19200) of the Food and Agricultural Code; (2) materials which are exempted or excluded from classification as solid waste or hazardous waste pursuant to 40 CFR

section 261.4 provided they are not listed in article 4.1 of this chapter, and do not exhibit a characteristic of a hazardous waste as set forth in article 3 of this chapter; (3) used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products; (4) used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use. (5) (A) Wastes, which meet the criteria for classification as a RCRA hazardous waste set forth in section 66261.100(a)(1), (a)(2), or (a)(3), resulting from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock and overburden from the mining of uranium ore), except as provided by 40 CFR section 266.112 for facilities that burn or process hazardous waste, are not hazardous wastes and are not subject to the requirements of this division or of Chapter 6.5 of Division 20 of the Health and Safety Code. However, these wastes remain subject to Article 9.5 of Chapter 6.5 of the Health and Safety Code if the wastes would otherwise be classified as hazardous wastes pursuant to section 25117 of the Health and Safety Code or pursuant to this division. For purposes of this paragraph, beneficiation of ores and minerals is restricted to the following activities: Crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water and/or carbon dioxide; roasting; autoclaving, and/or chlorination in preparation for leaching (except where the roasting (and/or autoclaving and/or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; flotation; ion exchange; solvent extraction;

electrowinning; precipitation; amalgamation; and heap, dump, vat, tank, and in situ leaching. For the purpose of this paragraph, solid waste from the processing of ores and minerals includes only the following wastes: 1. Slag from primary copper processing; 2. Slag from primary lead processing; 3. Red and brown muds from bauxite refining; 4. Phosphogypsum from phosphoric acid production; 5. Slag from elemental phosphorus production; 6. Gasifier ash from coal gasification; 7. Process wastewater from coal gasification; 8. Calcium sulfate wastewater treatment plant sludge from primary copper processing; 9. Slag tailings from primary copper processing; 10. Fluorogypsum from hydrofluoric acid production; 11. Process wastewater from hydrofluoric acid production; 12. Air pollution control dust/sludge from iron blast furnaces; 13. Iron blast furnace slag; 14. Treated residue from roasting/leaching of chrome ore; 15. Process wastewater from primary magnesium processing by the anhydrous process; 16. Process wastewater from phosphoric acid production; 17. Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production; 18. Basic oxygen furnace and open hearth furnace slag from carbon steel production; 19. Chloride process waste solids from titanium tetrachloride production; 20. Slag from primary zinc processing. (B) Waste from the extraction, benefication, and processing of ores and minerals, as those terms are defined in Health and Safety Code section 25143.1, which would otherwise be classified as a non-RCRA hazardous waste pursuant to section 66261.101, is not subject to the requirements of this division or of Chapter 6.5 of the Health and Safety Code. However, these wastes remain subject to Article 9.5 of Chapter 6.5 of the Health and Safety Code if the wastes would otherwise be classified as hazardous wastes pursuant to section 25117 of the Health and Safety Code or to this division. (C) A waste residue derived from co-processing of the mineral processing secondary materials as listed above under paragraph (b)(5)(A)

of this section with normal beneficiation raw materials or with normal mineral processing raw materials shall remain excluded as a hazardous waste under paragraph (b) of this section and pursuant to section 25143.1 of the Health and Safety Code if the owner or operator does the following:1. Processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and, 2. Legitimately reclaims the secondary mineral processing materials.

(1)

infectious waste which consists solely of the carcasses of animals, which is not otherwise hazardous, and which is handled, stored and disposed of according to all applicable requirements established by the Department of Food and Agriculture pursuant to provisions of chapter 1, part 1, division 5 (commencing with section 9101) and of chapter 5, part 3, division 9 (commencing with section 19200) of the Food and Agricultural Code;

(2)

materials which are exempted or excluded from classification as solid waste or hazardous waste pursuant to 40 CFR section 261.4 provided they are not listed in article 4.1 of this chapter, and do not exhibit a characteristic of a hazardous waste as set forth in article 3 of this chapter;

(3)

used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products;

(4)

used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the

heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

(5)

(A) Wastes, which meet the criteria for classification as a RCRA hazardous waste set forth in section 66261.100(a)(1), (a)(2), or (a)(3), resulting from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock and overburden from the mining of uranium ore), except as provided by 40 CFR section 266.112 for facilities that burn or process hazardous waste, are not hazardous wastes and are not subject to the requirements of this division or of Chapter 6.5 of Division 20 of the Health and Safety Code. However, these wastes remain subject to Article 9.5 of Chapter 6.5 of the Health and Safety Code if the wastes would otherwise be classified as hazardous wastes pursuant to section 25117 of the Health and Safety Code or pursuant to this division. For purposes of this paragraph, beneficiation of ores and minerals is restricted to the following activities: Crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water and/or carbon dioxide; roasting; autoclaving, and/or chlorination in preparation for leaching (except where the roasting (and/or autoclaving and/or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; flotation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat, tank, and in situ leaching. For the purpose of this paragraph, solid waste from the processing of ores and minerals includes only the following wastes: 1. Slag from primary copper processing; 2. Slag from primary lead processing; 3. Red and brown muds from bauxite refining; 4. Phosphogypsum from phosphoric acid production; 5. Slag from elemental phosphorus production; 6. Gasifier ash from coal gasification; 7. Process wastewater from coal

gasification; 8. Calcium sulfate wastewater treatment plant sludge from primary copper processing; 9. Slag tailings from primary copper processing; 10. Fluorogypsum from hydrofluoric acid production; 11. Process wastewater from hydrofluoric acid production; 12. Air pollution control dust/sludge from iron blast furnaces; 13. Iron blast furnace slag; 14. Treated residue from roasting/leaching of chrome ore; 15. Process wastewater from primary magnesium processing by the anhydrous process; 16. Process wastewater from phosphoric acid production; 17. Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production; 18. Basic oxygen furnace and open hearth furnace slag from carbon steel production; 19. Chloride process waste solids from titanium tetrachloride production; 20. Slag from primary zinc processing. (B) Waste from the extraction, benefication, and processing of ores and minerals, as those terms are defined in Health and Safety Code section 25143.1, which would otherwise be classified as a non-RCRA hazardous waste pursuant to section 66261.101, is not subject to the requirements of this division or of Chapter 6.5 of the Health and Safety Code. However, these wastes remain subject to Article 9.5 of Chapter 6.5 of the Health and Safety Code if the wastes would otherwise be classified as hazardous wastes pursuant to section 25117 of the Health and Safety Code or to this division. (C) A waste residue derived from co-processing of the mineral processing secondary materials as listed above under paragraph (b)(5)(A) of this section with normal beneficiation raw materials or with normal mineral processing raw materials shall remain excluded as a hazardous waste under paragraph (b) of this section and pursuant to section 25143.1 of the Health and Safety Code if the owner or operator does the following:1. Processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and, 2. Legitimately reclaims the secondary mineral processing materials.

(A)

Wastes, which meet the criteria for classification as a RCRA hazardous waste set forth in

section 66261.100(a)(1), (a)(2), or (a)(3), resulting from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock and overburden from the mining of uranium ore), except as provided by 40 CFR section 266.112 for facilities that burn or process hazardous waste, are not hazardous wastes and are not subject to the requirements of this division or of Chapter 6.5 of Division 20 of the Health and Safety Code. However, these wastes remain subject to Article 9.5 of Chapter 6.5 of the Health and Safety Code if the wastes would otherwise be classified as hazardous wastes pursuant to section 25117 of the Health and Safety Code or pursuant to this division. For purposes of this paragraph, beneficiation of ores and minerals is restricted to the following activities: Crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water and/or carbon dioxide; roasting; autoclaving, and/or chlorination in preparation for leaching (except where the roasting (and/or autoclaving and/or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; flotation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat, tank, and in situ leaching. For the purpose of this paragraph, solid waste from the processing of ores and minerals includes only the following wastes: 1. Slag from primary copper processing; 2. Slag from primary lead processing; 3. Red and brown muds from bauxite refining; 4. Phosphogypsum from phosphoric acid production; 5. Slag from elemental phosphorus production; 6. Gasifier ash from coal gasification; 7. Process wastewater from coal gasification; 8. Calcium sulfate wastewater treatment plant sludge from primary copper processing; 9. Slag tailings from primary copper processing; 10. Fluorogypsum from hydrofluoric acid production; 11. Process wastewater from hydrofluoric acid production; 12. Air pollution control dust/sludge from iron blast furnaces; 13. Iron blast furnace slag; 14. Treated residue from roasting/leaching of chrome ore; 15. Process wastewater from primary magnesium processing by the anhydrous

process; 16. Process wastewater from phosphoric acid production; 17. Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production; 18. Basic oxygen furnace and open hearth furnace slag from carbon steel production; 19. Chloride process waste solids from titanium tetrachloride production; 20. Slag from primary zinc processing.

1.

Slag from primary copper processing;

2.

Slag from primary lead processing;

3.

Red and brown muds from bauxite refining;

4.

Phosphogypsum from phosphoric acid production;

5.

Slag from elemental phosphorus production;

6.

Gasifier ash from coal gasification;

7.

Process wastewater from coal gasification;

8.

Calcium sulfate wastewater treatment plant sludge from primary copper processing;

9.

Slag tailings from primary copper processing;

10.

Fluorogypsum from hydrofluoric acid production;

11.

Process wastewater from hydrofluoric acid production;

12.

Air pollution control dust/sludge from iron blast furnaces;

13.

Iron blast furnace slag;

14.

Treated residue from roasting/leaching of chrome ore;

15.

Process wastewater from primary magnesium processing by the anhydrous process;

16.

Process wastewater from phosphoric acid production;

17.

Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;

18.

Basic oxygen furnace and open hearth furnace slag from carbon steel production;

19.

Chloride process waste solids from titanium tetrachloride production;

20.

Slag from primary zinc processing.

(B)

Waste from the extraction, benefication, and processing of ores and minerals, as those terms are defined in Health and Safety Code section 25143.1, which would otherwise be classified as a non-RCRA hazardous waste pursuant to section 66261.101, is not subject to the requirements of this division or of Chapter 6.5 of the Health and Safety Code. However, these wastes remain subject to Article 9.5 of Chapter 6.5 of the Health and Safety Code if the wastes

would otherwise be classified as hazardous wastes pursuant to section 25117 of the Health and Safety Code or to this division.

(C)

A waste residue derived from co-processing of the mineral processing secondary materials as listed above under paragraph (b)(5)(A) of this section with normal beneficiation raw materials or with normal mineral processing raw materials shall remain excluded as a hazardous waste under paragraph (b) of this section and pursuant to section 25143.1 of the Health and Safety Code if the owner or operator does the following:1. Processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and, 2. Legitimately reclaims the secondary mineral processing materials.

1.

Processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and,

2.

Legitimately reclaims the secondary mineral processing materials.

(c)

hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment-manufacturing unit, is not subject to regulation under this division or to the notification requirements of Health and Safety Code section 25153.6 until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials. The exemption in this subsection applies only to the hazardous waste

generated in the above-named tanks, not to the tanks themselves. The tanks remain subject to the requirements of chapter 32 if the tank is a hazardous waste pursuant to article 3 of chapter 11 of this division.

(d)

samples; (1) except as provided in subsections (d)(2) and (4) of this section, a sample of waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this division or to the notification requirements of Health and Safety Code section 25153.6 when:(A) the sample is being transported to a laboratory for the purpose of testing; or (B) the sample is being transported back to the sample collector after testing; or (C) the sample is being stored for less than 90 days by the sample collector before transport to a laboratory for testing; or (D) the sample is being stored in a laboratory before testing; or (E) the sample is being stored in a laboratory after testing but before it is returned to the sample collector; or (F) the sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary). (2) In order to qualify for the exemption in subsections (d)(1)(A) and (d)(1)(B) of this section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:(A) comply with California Highway Patrol (CHP), U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or (B) comply with the following requirements if the sample collector determines that CHP, DOT, USPS, or other shipping requirements do not apply to the shipment of the sample: 1. assure that the following information accompanies the sample:a. the sample collector's name, mailing address, and telephone number; b. the laboratory's name, mailing address,

and telephone number; c. the quantity of the sample; d. the date of shipment; and e. a description of the sample. 2. package the sample so that it does not leak, spill, or vaporize from its packaging. (3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) of this section. (4) In order to qualify for the exemption in subsections (d)(1)(A) and (B) of this section, the mass of a sample that shall be exported to a foreign laboratory or that shall be imported to a U.S. laboratory from a foreign source shall additionally not exceed 25 kg.

(1)

except as provided in subsections (d)(2) and (4) of this section, a sample of waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this division or to the notification requirements of Health and Safety Code section 25153.6 when:(A) the sample is being transported to a laboratory for the purpose of testing; or (B) the sample is being transported back to the sample collector after testing; or (C) the sample is being stored for less than 90 days by the sample collector before transport to a laboratory for testing; or (D) the sample is being stored in a laboratory before testing; or (E) the sample is being stored in a laboratory after testing but before it is returned to the sample collector; or (F) the sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

(A)

the sample is being transported to a laboratory for the purpose of testing; or

(B)

the sample is being transported back to the sample collector after testing; or

(C)

the sample is being stored for less than 90 days by the sample collector before transport to a laboratory for testing; or

(D)

the sample is being stored in a laboratory before testing; or

(E)

the sample is being stored in a laboratory after testing but before it is returned to the sample collector; or

(F)

the sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

(2)

In order to qualify for the exemption in subsections (d)(1)(A) and (d)(1)(B) of this section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:(A) comply with California Highway Patrol (CHP), U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or (B) comply with the following requirements if the sample collector determines that CHP, DOT, USPS, or other shipping requirements do not apply to the shipment of the sample: 1. assure that the following information accompanies the sample:a. the sample collector's name, mailing address, and telephone number; b. the laboratory's name, mailing address, and telephone number; c. the quantity of the sample; d. the date of shipment; and e. a description of the sample. 2. package the sample so that it does not leak, spill, or vaporize from its packaging.

(A)

comply with California Highway Patrol (CHP), U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or

(B)

comply with the following requirements if the sample collector determines that CHP, DOT, USPS, or other shipping requirements do not apply to the shipment of the sample: 1. assure that the following information accompanies the sample:a. the sample collector's name, mailing address, and telephone number; b. the laboratory's name, mailing address, and telephone number; c. the quantity of the sample; d. the date of shipment; and e. a description of the sample. 2. package the sample so that it does not leak, spill, or vaporize from its packaging.

1.

assure that the following information accompanies the sample:a. the sample collector's name, mailing address, and telephone number; b. the laboratory's name, mailing address, and telephone number; c. the quantity of the sample; d. the date of shipment; and e. a description of the sample.

a.

the sample collector's name, mailing address, and telephone number;

b.

the laboratory's name, mailing address, and telephone number;

c.

the quantity of the sample;

d.

the date of shipment; and

e.

a description of the sample.

2.

package the sample so that it does not leak, spill, or vaporize from its packaging.

(3)

This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1)

of this section.

(4)

In order to qualify for the exemption in subsections (d)(1)(A) and (B) of this section, the mass of a sample that shall be exported to a foreign laboratory or that shall be imported to a U.S. laboratory from a foreign source shall additionally not exceed 25 kg.

(e)

Treatability Study Samples.(1) Except as provided in subsections (e)(2) and (7) of this section, any person who generates a treatability study sample for the purpose of conducting a treatability study is not subject to Chapter 6.5 of Division 20 of the Health and Safety Code with respect to that sample, except for the requirements of subdivision (e) of Health and Safety Code section 25162, or this division when: (A) the treatability study sample is being collected and prepared for transportation by the generator or the agent of the generator; (B) the treatability study sample is being accumulated or stored by the generator or the agent of the generator prior to transportation to a laboratory or testing facility; or, (C) the treatability study sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study. (2) The exemption specified in paragraph (e)(1) of this section applies to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies only if all of the following conditions are met:(A) the treatability study sample mass is not more than 400 kilograms (kg) of any hazardous waste that is not an extremely hazardous waste, 1 kg of extremely hazardous waste, or 250 kg of soil, water, or debris contaminated with extremely hazardous waste, for each process being evaluated for each generated hazardous waste stream, (B) the treatability study sample is retained at the site of generation for not longer than one year and not more than 10 days elapse between when the treatability study sample is shipped to the laboratory or testing facility

and when it is received at the laboratory or testing facility, (C) the generator or the agent of the generator retains responsibility for the recycling or disposal of the treatability study sample or its residues after the treatability study is completed; (D) at all times during accumulation and storage, the treatability study samples are in containers that are marked clearly with the words "treatability study sample," that are in a good, nonleaking condition and that are clearly labeled with all of the following information:1. the composition and physical state of the material; 2. a statement that calls attention to the particular hazardous properties of the treatability study sample; 3. the name and address of the generator of the treatability study sample; and 4. the date the treatability study sample was first placed in the containers. (3) each treatability study sample may be transported only if the treatability study sample complies with all of the following:(A) the treatability study sample is packaged so that it will not leak, spill, or vaporize from its packaging during shipment, complies with all shipping requirements of the Department of Transportation, United States Postal Service, or any other applicable shipping requirements, and, at a minimum, is accompanied by all of the following information:1. the name, mailing address, telephone number, and Environmental Protection Agency identification number, if available, of the generator of the treatability study sample or the agent of the generator. 2. The name, address, telephone number, and EPA number, if available, of the facility that will perform the treatability study. 3. The quantity of the treatability study sample. 4. The date of shipment. 5. A description of the treatability study sample, including its California waste code. (B) The treatability study sample is shipped to a laboratory or testing facility which has a hazardous waste facilities permit issued pursuant to Health and Safety Code section 25200, is exempt from state hazardous waste facilities permitting requirements pursuant to subsection (f) of section 66261.4 of this title

or, if located in another state, is authorized by that state or the Environmental Protection Agency to conduct treatability studies or is exempted pursuant to subsection (f) of Section 261.4 of Title 40 of the Code of Federal Regulations. (4) A generator or the agent of the generator exempt pursuant to this section shall maintain the following records for three years after completion of the treatability study and shall, if requested by the department before the end of three years, retain the records for up to an additional five years: (A) Copies of shipping documents. (B) A copy of the contract with the facility conducting the treatability study. (C) Documentation showing the amount of waste shipped, the name and address of the laboratory or testing facility that received the waste, the date the shipment was made, and the final disposition of unused portions of samples and residues. (5) The department may grant an application, on a case-by-case basis, following the submittal of information pursuant to subdivision (e)(6) for an exemption for treatability study samples that exceed the quantity limits specified in subdivision (e)(2)(A), for up to an additional 500 kg of hazardous waste that is not extremely hazardous waste, 1 kg of extremely hazardous waste, and 250 kg of soil, water, or debris contaminated with extremely hazardous waste, to conduct a further treatability study evaluation, if the department finds that the exemption is necessary based on any of the following:(A) There has been an equipment or mechanical failure during the conduct of a treatability study rendering the treatability study sample unsuited for study. (B) There is a need to repeat a portion of a previously conducted treatability study. (C) There is a need to study and analyze alternative techniques within a treatability study and these multiple techniques required greater total sample size. (D) The treatability study design cannot produce verifiable results without greater quantities of a sample. (6) A generator applying for an exemption pursuant to subdivision (e)(5) shall submit all

of the following information in writing to the department:(A) The reason why the generator or agent of the generator requires an additional quantity of a treatability study sample for the treatability study. (B) The quantity of the treatability study sample for which the exemption is requested. (C) Documentation accounting for all samples of treatability study samples from the waste stream that have previously been sent for, or undergone, treatability studies, including the dates of each previous treatability study sample, the quantity of each previous treatability study sample, the laboratory or testing facility to which each treatability study sample was shipped, what treatability studies were conducted on each treatability study sample shipped, and the results of each treatability study. (D) If the generator cites paragraph (C) of subdivision (e)(5) as the basis for the exemption, a description of the proposed technique or techniques to be evaluated. (E) If the generator cites paragraph (A) of subdivision (e)(5) as the basis for the exemption, information regarding the reasons for the failure or breakdown and what procedures or improvements have been made to protect against further breakdowns. (F) Such other information that the U.S. EPA Regional Administrator considers necessary. (7) In order to qualify for the exemption in subsection (e)(1)(A) of this section, the mass of a sample that shall be exported to a foreign laboratory or testing facility, or that shall be imported to a U.S. laboratory or testing facility from a foreign source shall additionally not exceed 25 kg.

(1)

Except as provided in subsections (e)(2) and (7) of this section, any person who generates a treatability study sample for the purpose of conducting a treatability study is not subject to Chapter 6.5 of Division 20 of the Health and Safety Code with respect to that sample, except for the requirements of subdivision (e) of Health and Safety Code section 25162, or this division when: (A) the treatability study sample is being collected

and prepared for transportation by the generator or the agent of the generator; (B) the treatability study sample is being accumulated or stored by the generator or the agent of the generator prior to transportation to a laboratory or testing facility; or, (C) the treatability study sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

(A)

the treatability study sample is being collected and prepared for transportation by the generator or the agent of the generator;

(B)

the treatability study sample is being accumulated or stored by the generator or the agent of the generator prior to transportation to a laboratory or testing facility; or,

(C)

the treatability study sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

(2)

The exemption specified in paragraph (e)(1) of this section applies to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies only if all of the following conditions are met:(A) the treatability study sample mass is not more than 400 kilograms (kg) of any hazardous waste that is not an extremely hazardous waste, 1 kg of extremely hazardous waste, or 250 kg of soil, water, or debris contaminated with extremely hazardous waste, for each process being evaluated for each generated hazardous waste stream, (B) the treatability study sample is retained at the site of generation for not longer than one year and not more than 10 days elapse between when the treatability study sample is shipped to the laboratory or testing facility and when it is received at the laboratory or testing facility, (C) the generator or the agent of the generator retains responsibility for the recycling or

disposal of the treatability study sample or its residues after the treatability study is completed; (D) at all times during accumulation and storage, the treatability study samples are in containers that are marked clearly with the words "treatability study sample," that are in a good, nonleaking condition and that are clearly labeled with all of the following information:1. the composition and physical state of the material; 2. a statement that calls attention to the particular hazardous properties of the treatability study sample; 3. the name and address of the generator of the treatability study sample; and 4. the date the treatability study sample was first placed in the containers.

(A)

the treatability study sample mass is not more than 400 kilograms (kg) of any hazardous waste that is not an extremely hazardous waste, 1 kg of extremely hazardous waste, or 250 kg of soil, water, or debris contaminated with extremely hazardous waste, for each process being evaluated for each generated hazardous waste stream,

(B)

the treatability study sample is retained at the site of generation for not longer than one year and not more than 10 days elapse between when the treatability study sample is shipped to the laboratory or testing facility and when it is received at the laboratory or testing facility,

(C)

the generator or the agent of the generator retains responsibility for the recycling or disposal of the treatability study sample or its residues after the treatability study is completed;

(D)

at all times during accumulation and storage, the treatability study samples are in containers that are marked clearly with the words "treatability study sample," that are in a good, nonleaking condition and that are clearly labeled with all of the following information:1. the composition and physical state of the material; 2. a statement that calls attention to the particular hazardous properties of the treatability study sample; 3. the name and address of

the generator of the treatability study sample; and 4. the date the treatability study sample was first placed in the containers.

1.

the composition and physical state of the material;

2.

a statement that calls attention to the particular hazardous properties of the treatability study sample;

3.

the name and address of the generator of the treatability study sample; and

4.

the date the treatability study sample was first placed in the containers.

(3)

each treatability study sample may be transported only if the treatability study sample complies with all of the following:(A) the treatability study sample is packaged so that it will not leak, spill, or vaporize from its packaging during shipment, complies with all shipping requirements of the Department of Transportation, United States Postal Service, or any other applicable shipping requirements, and, at a minimum, is accompanied by all of the following information:1. the name, mailing address, telephone number, and Environmental Protection Agency identification number, if available, of the generator of the treatability study sample or the agent of the generator. 2. The name, address, telephone number, and EPA number, if available, of the facility that will perform the treatability study. 3. The quantity of the treatability study sample. 4. The date of shipment. 5. A description of the treatability study sample, including its California waste code. (B) The treatability study sample is shipped to a laboratory or testing facility which has a hazardous waste facilities permit issued pursuant to Health and Safety Code section 25200, is exempt from state hazardous waste facilities permitting requirements

pursuant to subsection (f) of section 66261.4 of this title or, if located in another state, is authorized by that state or the Environmental Protection Agency to conduct treatability studies or is exempted pursuant to subsection (f) of Section 261.4 of Title 40 of the Code of Federal Regulations.

(A)

the treatability study sample is packaged so that it will not leak, spill, or vaporize from its packaging during shipment, complies with all shipping requirements of the Department of Transportation, United States Postal Service, or any other applicable shipping requirements, and, at a minimum, is accompanied by all of the following information:1. the name, mailing address, telephone number, and Environmental Protection Agency identification number, if available, of the generator of the treatability study sample or the agent of the generator. 2. The name, address, telephone number, and EPA number, if available, of the facility that will perform the treatability study. 3. The quantity of the treatability study sample. 4. The date of shipment. 5. A description of the treatability study sample, including its California waste code.

1.

the name, mailing address, telephone number, and Environmental Protection Agency identification number, if available, of the generator of the treatability study sample or the agent of the generator.

2.

The name, address, telephone number, and EPA number, if available, of the facility that will perform the treatability study.

3.

The quantity of the treatability study sample.

4.

The date of shipment.

5.

A description of the treatability study sample, including its California waste code.

(B)

The treatability study sample is shipped to a laboratory or testing facility which has a hazardous waste facilities permit issued pursuant to Health and Safety Code section 25200, is exempt from state hazardous waste facilities permitting requirements pursuant to subsection (f) of section 66261.4 of this title or, if located in another state, is authorized by that state or the Environmental Protection Agency to conduct treatability studies or is exempted pursuant to subsection (f) of Section 261.4 of Title 40 of the Code of Federal Regulations.

(4)

A generator or the agent of the generator exempt pursuant to this section shall maintain the following records for three years after completion of the treatability study and shall, if requested by the department before the end of three years, retain the records for up to an additional five years: (A) Copies of shipping documents. (B) A copy of the contract with the facility conducting the treatability study. (C) Documentation showing the amount of waste shipped, the name and address of the laboratory or testing facility that received the waste, the date the shipment was made, and the final disposition of unused portions of samples and residues.

(A)

Copies of shipping documents.

(B)

A copy of the contract with the facility conducting the treatability study.

(C)

Documentation showing the amount of waste shipped, the name and address of the laboratory or testing facility that received the waste, the date the shipment was made, and the final disposition of unused portions of samples and residues.

(5)

The department may grant an application, on a case-by-case basis, following the

submittal of information pursuant to subdivision (e)(6) for an exemption for treatability study samples that exceed the quantity limits specified in subdivision (e)(2)(A), for up to an additional 500 kg of hazardous waste that is not extremely hazardous waste, 1 kg of extremely hazardous waste, and 250 kg of soil, water, or debris contaminated with extremely hazardous waste, to conduct a further treatability study evaluation, if the department finds that the exemption is necessary based on any of the following:(A) There has been an equipment or mechanical failure during the conduct of a treatability study rendering the treatability study sample unsuited for study. (B) There is a need to repeat a portion of a previously conducted treatability study. (C) There is a need to study and analyze alternative techniques within a treatability study and these multiple techniques required greater total sample size. (D) The treatability study design cannot produce verifiable results without greater quantities of a sample.

(A)

There has been an equipment or mechanical failure during the conduct of a treatability study rendering the treatability study sample unsuited for study.

(B)

There is a need to repeat a portion of a previously conducted treatability study.

(C)

There is a need to study and analyze alternative techniques within a treatability study and these multiple techniques required greater total sample size.

(D)

The treatability study design cannot produce verifiable results without greater quantities of a sample.

(6)

A generator applying for an exemption pursuant to subdivision (e)(5) shall submit all of the following information in writing to the department:(A) The reason why the generator

or agent of the generator requires an additional quantity of a treatability study sample for the treatability study. (B) The quantity of the treatability study sample for which the exemption is requested. (C) Documentation accounting for all samples of treatability study samples from the waste stream that have previously been sent for, or undergone, treatability studies, including the dates of each previous treatability study sample, the quantity of each previous treatability study sample, the laboratory or testing facility to which each treatability study sample was shipped, what treatability studies were conducted on each treatability study sample shipped, and the results of each treatability study. (D) If the generator cites paragraph (C) of subdivision (e)(5) as the basis for the exemption, a description of the proposed technique or techniques to be evaluated. (E) If the generator cites paragraph (A) of subdivision (e)(5) as the basis for the exemption, information regarding the reasons for the failure or breakdown and what procedures or improvements have been made to protect against further breakdowns. (F) Such other information that the U.S. EPA Regional Administrator considers necessary.

(A)

The reason why the generator or agent of the generator requires an additional quantity of a treatability study sample for the treatability study.

(B)

The quantity of the treatability study sample for which the exemption is requested.

(C)

Documentation accounting for all samples of treatability study samples from the waste stream that have previously been sent for, or undergone, treatability studies, including the dates of each previous treatability study sample, the quantity of each previous treatability study sample, the laboratory or testing facility to which each treatability study sample was shipped, what treatability studies were conducted on each treatability study sample shipped, and the results of each treatability study.

(D)

If the generator cites paragraph (C) of subdivision (e)(5) as the basis for the exemption, a description of the proposed technique or techniques to be evaluated.

(E)

If the generator cites paragraph (A) of subdivision (e)(5) as the basis for the exemption, information regarding the reasons for the failure or breakdown and what procedures or improvements have been made to protect against further breakdowns.

(F)

Such other information that the U.S. EPA Regional Administrator considers necessary.

(7)

In order to qualify for the exemption in subsection (e)(1)(A) of this section, the mass of a sample that shall be exported to a foreign laboratory or testing facility, or that shall be imported to a U.S. laboratory or testing facility from a foreign source shall additionally not exceed 25 kg.

(f)

Samples Undergoing Treatability Studies at Laboratories and Testing Facilities;(1) Except as provided in subdivision (f)(2), Chapter 6.5 of Division 20 of the Health and Safety Code, and division 4.5 of this title, do not apply to any treatability study sample undergroing a treatability study, and those activities of the laboratory or testing facility, including transportable treatment units, conducting a treatability study, that are activities exclusively devoted to, and in support of, the treatability study conducted on a treatability study sample, if all of the following conditions are met: (A) If a group of two or more transportable treatment units are located at the same site, the requirements specified in subdivision (f)(1) apply to the entire group of transportable treatment units collectively as if the group were one unit. (B) Not less than 45 days before conducting the treatability study, the facility notifies the

department in writing, that it intends to conduct a treatability study pursuant to this subsection. (C) The laboratory or testing facility conducting the treatability study has an Environmental Protection Agency identification number. (D) Not more than a total of 250 kg of treatability study samples are subjected to initiation of treatment in all treatability studies in any single day. (E) The quantity of treatability study samples stored at the facility for the purpose of evaluation in treatability studies does not exceed 400 kg, the total of which may include not more than 200 kg of soil, water, or debris contaminated with extremely hazardous waste or 1 kg of extremely hazardous waste. This quantity limitation does not include either of the following:1. Treatability study residues. 2. Treatment materials, including nonhazardous waste, added to treatability study samples as received hazardous waste. (F) Not more than 90 days has elapsed since the treatability study for the treatability study sample was completed, or not more than one year have elapsed since the generator or treatability study sample collector shipped the treatability study sample to the laboratory or testing facility, whichever date first occurs. (G) The treatability study does not involve the placement of hazardous waste on the land, incineration, or the open burning of hazardous waste. (H) The facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. All of the following specific information shall be included for each treatability study conducted:1. The name, address, and Environmental Protection Agency identification number of the generator or agent of the generator of each treatability study sample. 2. The date the treatability study sample was received. 3. The quantity of treatability study sample accepted. 4. The quantity of treatability study samples in storage each day. 5. The date the treatability study was initiated and the amount of treatability study samples introduced to treatment each day. 6. The

date the treatability study was concluded. 7. The date any unused treatability study sample or residues generated from the treatability study were returned to the generator or the agent of the generator or, if sent to a designated facility, the name of the facility and the Environmental Protection Agency identification number. (I) The facility keeps, onsite, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study. (J) The facility prepares and submits a report to the department not later than March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes all of the following information for the previous calendar year: 1. The name, address, and Environmental Protection Agency identification number of the facility conducting the treatability studies. 2. The numbers of, and types, by process, of treatability studies conducted. 3. The names and addresses of persons for whom studies have been conducted, including their Environmental Protection Agency identification numbers. 4. The total quantity of hazardous waste in storage each day. 5. The quantity and types of hazardous waste subjected to treatability studies. 6. When each treatability study was conducted. 7. The final disposition of residues and unused treatability study samples from each treatability study. (K) The facility determines whether any unused treatability study sample or residues generated by the treatability study are hazardous waste that are subject to Chapter 6.5 of Division 20 of the Health and Safety Code, and division 4.5 of this title, and, if so, the facility handles the unused treatability study sample or residues in accordance with Chapter 6.5 of Division 20 of the Health and Safety Code, and division 4.5 of this title, unless the residues and unused treatability study samples are returned to the treatability study sample originator, as specified in Health and

Safety Code section 25158.2. (L) The facility notifies the department by letter when the facility is no longer planning to conduct any treatability studies at the site. (M) All treatability studies shall be initiated within 60 days of the receipt of each treatability study sample. (2) The requirements of subdivision (e) of Health and Safety Code section 25162, and sections 66262.50, 66262.52, and 66262.53 of this title shall apply to a sample undergoing a treatability study, including those activities of the laboratory or testing facility conducting the treatability study.

(1)

Except as provided in subdivision (f)(2), Chapter 6.5 of Division 20 of the Health and Safety Code, and division 4.5 of this title, do not apply to any treatability study sample undergroing a treatability study, and those activities of the laboratory or testing facility, including transportable treatment units, conducting a treatability study, that are activities exclusively devoted to, and in support of, the treatability study conducted on a treatability study sample, if all of the following conditions are met: (A) If a group of two or more transportable treatment units are located at the same site, the requirements specified in subdivision (f)(1) apply to the entire group of transportable treatment units collectively as if the group were one unit. (B) Not less than 45 days before conducting the treatability study, the facility notifies the department in writing, that it intends to conduct a treatability study pursuant to this subsection. (C) The laboratory or testing facility conducting the treatability study has an Environmental Protection Agency identification number. (D) Not more than a total of 250 kg of treatability study samples are subjected to initiation of treatment in all treatability studies in any single day. (E) The quantity of treatability study samples stored at the facility for the purpose of evaluation in treatability studies does not exceed 400 kg, the total of which may include not more than 200 kg of soil, water, or debris contaminated with extremely hazardous waste or 1 kg of extremely hazardous waste. This quantity limitation does not include

either of the following:1. Treatability study residues. 2. Treatment materials, including nonhazardous waste, added to treatability study samples as received hazardous waste. (F) Not more than 90 days has elapsed since the treatability study for the treatability study sample was completed, or not more than one year have elapsed since the generator or treatability study sample collector shipped the treatability study sample to the laboratory or testing facility, whichever date first occurs. (G) The treatability study does not involve the placement of hazardous waste on the land, incineration, or the open burning of hazardous waste. (H) The facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. All of the following specific information shall be included for each treatability study conducted:1. The name, address, and Environmental Protection Agency identification number of the generator or agent of the generator of each treatability study sample. 2. The date the treatability study sample was received. 3. The quantity of treatability study sample accepted. 4. The quantity of treatability study samples in storage each day. 5. The date the treatability study was initiated and the amount of treatability study samples introduced to treatment each day. 6. The date the treatability study was concluded. 7. The date any unused treatability study sample or residues generated from the treatability study were returned to the generator or the agent of the generator or, if sent to a designated facility, the name of the facility and the Environmental Protection Agency identification number. (I) The facility keeps, onsite, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study. (J) The facility prepares and submits a report to the department not later than March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes all of the following information for the

previous calendar year: 1. The name, address, and Environmental Protection Agency identification number of the facility conducting the treatability studies. 2. The numbers of, and types, by process, of treatability studies conducted. 3. The names and addresses of persons for whom studies have been conducted, including their Environmental Protection Agency identification numbers. 4. The total quantity of hazardous waste in storage each day. 5. The quantity and types of hazardous waste subjected to treatability studies. 6. When each treatability study was conducted. 7. The final disposition of residues and unused treatability study samples from each treatability study. (K) The facility determines whether any unused treatability study sample or residues generated by the treatability study are hazardous waste that are subject to Chapter 6.5 of Division 20 of the Health and Safety Code, and division 4.5 of this title, and, if so, the facility handles the unused treatability study sample or residues in accordance with Chapter 6.5 of Division 20 of the Health and Safety Code, and division 4.5 of this title, unless the residues and unused treatability study samples are returned to the treatability study sample originator, as specified in Health and Safety Code section 25158.2. (L) The facility notifies the department by letter when the facility is no longer planning to conduct any treatability studies at the site. (M) All treatability studies shall be initiated within 60 days of the receipt of each treatability study sample.

(A)

If a group of two or more transportable treatment units are located at the same site, the requirements specified in subdivision (f)(1) apply to the entire group of transportable treatment units collectively as if the group were one unit.

(B)

Not less than 45 days before conducting the treatability study, the facility notifies the department in writing, that it intends to conduct a treatability study pursuant to this subsection.

(C)

The laboratory or testing facility conducting the treatability study has an Environmental Protection Agency identification number.

(D)

Not more than a total of 250 kg of treatability study samples are subjected to initiation of treatment in all treatability studies in any single day.

(E)

The quantity of treatability study samples stored at the facility for the purpose of evaluation in treatability studies does not exceed 400 kg, the total of which may include not more than 200 kg of soil, water, or debris contaminated with extremely hazardous waste or 1 kg of extremely hazardous waste. This quantity limitation does not include either of the following:1. Treatability study residues. 2. Treatment materials, including nonhazardous waste, added to treatability study samples as received hazardous waste.

1.

Treatability study residues.

2.

Treatment materials, including nonhazardous waste, added to treatability study samples as received hazardous waste.

(F)

Not more than 90 days has elapsed since the treatability study for the treatability study sample was completed, or not more than one year have elapsed since the generator or treatability study sample collector shipped the treatability study sample to the laboratory or testing facility, whichever date first occurs.

(G)

The treatability study does not involve the placement of hazardous waste on the land, incineration, or the open burning of hazardous waste.

(H)

The facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. All of the following specific information shall be included for each treatability study conducted:1. The name, address, and Environmental Protection Agency identification number of the generator or agent of the generator of each treatability study sample. 2. The date the treatability study sample was received. 3. The quantity of treatability study sample accepted. 4. The quantity of treatability study samples in storage each day. 5. The date the treatability study was initiated and the amount of treatability study samples introduced to treatment each day. 6. The date the treatability study was concluded. 7. The date any unused treatability study sample or residues generated from the treatability study were returned to the generator or the agent of the generator or, if sent to a designated facility, the name of the facility and the Environmental Protection Agency identification number.

1.

The name, address, and Environmental Protection Agency identification number of the generator or agent of the generator of each treatability study sample.

2.

The date the treatability study sample was received.

3.

The quantity of treatability study sample accepted.

4.

The quantity of treatability study samples in storage each day.

5.

The date the treatability study was initiated and the amount of treatability study samples introduced to treatment each day.

6.

The date the treatability study was concluded.

7.

The date any unused treatability study sample or residues generated from the treatability study were returned to the generator or the agent of the generator or, if sent to a designated facility, the name of the facility and the Environmental Protection Agency identification number.

(I)

The facility keeps, onsite, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

(J)

The facility prepares and submits a report to the department not later than March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes all of the following information for the previous calendar year: 1. The name, address, and Environmental Protection Agency identification number of the facility conducting the treatability studies. 2. The numbers of, and types, by process, of treatability studies conducted. 3. The names and addresses of persons for whom studies have been conducted, including their Environmental Protection Agency identification numbers. 4. The total quantity of hazardous waste in storage each day. 5. The quantity and types of hazardous waste subjected to treatability studies. 6. When each treatability study was conducted. 7. The final disposition of residues and unused treatability study samples from each treatability study.

1.

The name, address, and Environmental Protection Agency identification number of the facility conducting the treatability studies.

2.

The numbers of, and types, by process, of treatability studies conducted.

3.

The names and addresses of persons for whom studies have been conducted, including their Environmental Protection Agency identification numbers.

4.

The total quantity of hazardous waste in storage each day.

5.

The quantity and types of hazardous waste subjected to treatability studies.

6.

When each treatability study was conducted.

7.

The final disposition of residues and unused treatability study samples from each treatability study.

(K)

The facility determines whether any unused treatability study sample or residues generated by the treatability study are hazardous waste that are subject to Chapter 6.5 of Division 20 of the Health and Safety Code, and division 4.5 of this title, and, if so, the facility handles the unused treatability study sample or residues in accordance with Chapter 6.5 of Division 20 of the Health and Safety Code, and division 4.5 of this title, unless the residues and unused treatability study samples are returned to the treatability study sample originator, as specified in Health and Safety Code section 25158.2.

(L)

The facility notifies the department by letter when the facility is no longer planning to conduct any treatability studies at the site.

(M)

All treatability studies shall be initiated within 60 days of the receipt of each treatability study sample.

(2)

The requirements of subdivision (e) of Health and Safety Code section 25162, and sections 66262.50, 66262.52, and 66262.53 of this title shall apply to a sample undergoing a treatability study, including those activities of the laboratory or testing facility conducting the treatability study.

(g)

controlled substances;(1) A conditionally exempt controlled substance, as defined in paragraph (2) of this subsection, which is managed in accordance with the requirements of paragraph (3) of this subsection, is not a waste for purposes of this division or Health and Safety Code, division 20, chapter 6.5. (2) For the purposes of this division, a conditionally exempt controlled substance is a "controlled substance", as defined in section 11007 of the Health and Safety Code, which meets all of the following conditions: (A) the controlled substance is a discarded material (as defined in section 66261.2(b)) which is not excluded from the definition of a "waste" (as defined in section 66261.2(a)), except pursuant to the provisions of this subsection; (B) the controlled substance is solely a non-RCRA hazardous waste, or the controlled substance or its management is exempt or conditionally exempt from, or is not otherwise regulated pursuant to, RCRA; (C) the controlled substance was seized by a peace officer, as defined in section 830 of the Penal Code, or a person exercising the powers of a peace officer pursuant to section 830.8 of the Penal Code or otherwise authorized to exercise the powers of a peace officer pursuant to applicable federal laws; and (D) the controlled substance was seized from a site other than a clandestine laboratory, or the controlled substance was seized from such a laboratory for use as evidence or as a sample for purposes of testing. (3) A conditionally exempt controlled substance shall be managed in accordance with the following requirements:(A) conditionally exempt controlled substances shall be held in containers which are managed in

accordance with the requirements of sections 66265.171, 66265.172, 66265.173 and 66265.177; (B) conditionally exempt controlled substances shall be stored in an area: 1. with ventilation approved by the local fire department, 2. separate from controlled substances which are not conditionally exempt pursuant to this subsection and other chemicals seized from clandestine laboratories, and 3. under the control of employees of a federal, state or local law enforcement agency; (C) transportation of conditionally exempt controlled substances shall be in accordance with the following requirements:1. conditionally exempt controlled substances shall be transported by employees of a federal, state or local law enforcement agency; 2. during transportation, the conditionally exempt controlled substances shall be accompanied by a shipping paper which, at a minimum, shall provide the following information: a. a list of the substances being transported; b. the type and number of containers being used to transport each type of substance; c. the quantity, by weight or volume, of each type of substance being transported (if known); d. the state(s) (e.g., solid, powder, liquid, semi-liquid, gas, etc.) of each type of substance being transported; e. the final destination and interim destinations, if any, of the substances; f. the name and telephone number of an emergency response contact, for use in the event of a spill or other release; g. the name, address and telephone number of the law enforcement agency from which the shipment originates, the printed name and signature of the peace officer authorizing the shipment, and the date the shipment originates; h. the name, address, telephone number and signature of the law enforcement agency employee(s) responsible for the custody and security of the substances during transportation; and i. the name, address and telephone number of the facility which is the final destination of the substances; and 3. in the event of a spill or release of a conditionally exempt controlled substance during transportation, the law enforcement agency employee

responsible for the substance during transportation shall take appropriate immediate action to protect human health and the environment (e.g., notify local law enforcement agencies and/or other local emergency response agencies, dike the spill area, etc.). The law enforcement agency employee responsible for the released substance during transportation shall clean up or provide for the clean up of the spilled or released substance, or take such other action as may be required or approved by Federal, State, or local officials to ensure that the release no longer presents a hazard to human health or the environment; (D) treatment of conditionally exempt controlled substances shall be limited to:1. incineration in accordance with paragraphs (3)(E) of this subsection; and 2. the addition of absorbent material to a conditionally exempt controlled substance in a container or the addition of a conditionally exempt controlled substance to absorbent material in a container, in conjunction with incineration pursuant to paragraphs (3)(E) of this subsection; (E) incineration of conditionally exempt controlled substances pursuant to this subsection shall be subject to the following requirements and limitations: 1. conditionally exempt controlled substances shall be incinerated under the following operating conditions: a. incineration shall be in an airtight combustion device operated under negative air pressure through the combustion zone; b. a feed airlock or an equivalent mechanism shall be used to prevent fugitive emissions; c. the temperature in the combustion zone shall be maintained at or above 1600 degrees Fahrenheit for a minimum residence time of one second; d. when only controlled substances are being incinerated, the controlled substance feed rate shall be between 25 percent and 75 percent of the incinerator's thermal design capacity; e. when controlled substances are being incinerated with other materials, the total feed rate shall be greater than 40 percent, and no more than 100 percent, of the incinerator's thermal design capacity; and f. if the incineration facility is not

equipped with emissions control devices (e.g., scrubbers), the controlled substances feed rate shall be limited to 40 pounds per hour; and 2. the incineration facility shall comply with all applicable Federal, State and local regulatory agency requirements; (F) all law enforcement agency and incinerator facility personnel who handle conditionally exempt controlled substances shall complete health and safety training equivalent to the training required under Title 8, CCR, section 5194, within six months after the effective date of these regulations. No personnel shall be newly assigned to handle conditionally exempt controlled substances after the effective date of these regulations until they have completed the required health and safety training. (4) Except as provided in paragraph (3) of this subsection, conditionally exempt controlled substances shall be stored, transported, treated and disposed of as hazardous waste in accordance with the requirements of this division and Health and Safety Code, division 20, chapter 6.5. (5) Any controlled substance, as defined in section 11007 of the Health and Safety Code, which is not a hazardous waste, pursuant to section 66262.11, is not subject to the requirements of this division.

(1)

A conditionally exempt controlled substance, as defined in paragraph (2) of this subsection, which is managed in accordance with the requirements of paragraph (3) of this subsection, is not a waste for purposes of this division or Health and Safety Code, division 20, chapter 6.5.

(2)

For the purposes of this division, a conditionally exempt controlled substance is a "controlled substance", as defined in section 11007 of the Health and Safety Code, which meets all of the following conditions: (A) the controlled substance is a discarded material (as defined in section 66261.2(b)) which is not excluded from the definition of a

"waste" (as defined in section 66261.2(a)), except pursuant to the provisions of this subsection; (B) the controlled substance is solely a non-RCRA hazardous waste, or the controlled substance or its management is exempt or conditionally exempt from, or is not otherwise regulated pursuant to, RCRA; (C) the controlled substance was seized by a peace officer, as defined in section 830 of the Penal Code, or a person exercising the powers of a peace officer pursuant to section 830.8 of the Penal Code or otherwise authorized to exercise the powers of a peace officer pursuant to applicable federal laws; and (D) the controlled substance was seized from a site other than a clandestine laboratory, or the controlled substance was seized from such a laboratory for use as evidence or as a sample for purposes of testing.

(A)

the controlled substance is a discarded material (as defined in section 66261.2(b)) which is not excluded from the definition of a "waste" (as defined in section 66261.2(a)), except pursuant to the provisions of this subsection;

(B)

the controlled substance is solely a non-RCRA hazardous waste, or the controlled substance or its management is exempt or conditionally exempt from, or is not otherwise regulated pursuant to, RCRA;

(C)

the controlled substance was seized by a peace officer, as defined in section 830 of the Penal Code, or a person exercising the powers of a peace officer pursuant to section 830.8 of the Penal Code or otherwise authorized to exercise the powers of a peace officer pursuant to applicable federal laws; and

(D)

the controlled substance was seized from a site other than a clandestine laboratory, or the controlled substance was seized from such a laboratory for use as evidence or as a sample for

purposes of testing.

(3)

A conditionally exempt controlled substance shall be managed in accordance with the following requirements:(A) conditionally exempt controlled substances shall be held in containers which are managed in accordance with the requirements of sections 66265.171, 66265.172, 66265.173 and 66265.177; (B) conditionally exempt controlled substances shall be stored in an area: 1. with ventilation approved by the local fire department, 2. separate from controlled substances which are not conditionally exempt pursuant to this subsection and other chemicals seized from clandestine laboratories, and 3. under the control of employees of a federal, state or local law enforcement agency; (C) transportation of conditionally exempt controlled substances shall be in accordance with the following requirements:1. conditionally exempt controlled substances shall be transported by employees of a federal, state or local law enforcement agency; 2. during transportation, the conditionally exempt controlled substances shall be accompanied by a shipping paper which, at a minimum, shall provide the following information: a. a list of the substances being transported; b. the type and number of containers being used to transport each type of substance; c. the quantity, by weight or volume, of each type of substance being transported (if known); d. the state(s) (e.g., solid, powder, liquid, semi-liquid, gas, etc.) of each type of substance being transported; e. the final destination and interim destinations, if any, of the substances; f. the name and telephone number of an emergency response contact, for use in the event of a spill or other release; g. the name, address and telephone number of the law enforcement agency from which the shipment originates, the printed name and signature of the peace officer authorizing the shipment, and the date the shipment originates; h. the name, address, telephone number and signature of the law enforcement agency employee(s) responsible for the custody and security of the

substances during transportation; and i. the name, address and telephone number of the facility which is the final destination of the substances; and 3. in the event of a spill or release of a conditionally exempt controlled substance during transportation, the law enforcement agency employee responsible for the substance during transportation shall take appropriate immediate action to protect human health and the environment (e.g., notify local law enforcement agencies and/or other local emergency response agencies, dike the spill area, etc.). The law enforcement agency employee responsible for the released substance during transportation shall clean up or provide for the clean up of the spilled or released substance, or take such other action as may be required or approved by Federal, State, or local officials to ensure that the release no longer presents a hazard to human health or the environment; (D) treatment of conditionally exempt controlled substances shall be limited to:1. incineration in accordance with paragraphs (3)(E) of this subsection; and 2. the addition of absorbent material to a conditionally exempt controlled substance in a container or the addition of a conditionally exempt controlled substance to absorbent material in a container, in conjunction with incineration pursuant to paragraphs (3)(E) of this subsection; (E) incineration of conditionally exempt controlled substances pursuant to this subsection shall be subject to the following requirements and limitations: 1. conditionally exempt controlled substances shall be incinerated under the following operating conditions: a. incineration shall be in an airtight combustion device operated under negative air pressure through the combustion zone; b. a feed airlock or an equivalent mechanism shall be used to prevent fugitive emissions; c. the temperature in the combustion zone shall be maintained at or above 1600 degrees Fahrenheit for a minimum residence time of one second; d. when only controlled substances are being incinerated, the controlled substance feed rate shall be between 25 percent and 75 percent of the incinerator's thermal design capacity; e. when controlled substances are being incinerated with other

materials, the total feed rate shall be greater than 40 percent, and no more than 100 percent, of the incinerator's thermal design capacity; and f. if the incineration facility is not equipped with emissions control devices (e.g., scrubbers), the controlled substances feed rate shall be limited to 40 pounds per hour; and 2. the incineration facility shall comply with all applicable Federal, State and local regulatory agency requirements; (F) all law enforcement agency and incinerator facility personnel who handle conditionally exempt controlled substances shall complete health and safety training equivalent to the training required under Title 8, CCR, section 5194, within six months after the effective date of these regulations. No personnel shall be newly assigned to handle conditionally exempt controlled substances after the effective date of these regulations until they have completed the required health and safety training.

(A)

conditionally exempt controlled substances shall be held in containers which are managed in accordance with the requirements of sections 66265.171, 66265.172, 66265.173 and 66265.177;

(B)

conditionally exempt controlled substances shall be stored in an area: 1. with ventilation approved by the local fire department, 2. separate from controlled substances which are not conditionally exempt pursuant to this subsection and other chemicals seized from clandestine laboratories, and 3. under the control of employees of a federal, state or local law enforcement agency;

1.

with ventilation approved by the local fire department,

2.

separate from controlled substances which are not conditionally exempt pursuant to this subsection and other chemicals seized from clandestine laboratories, and

3.

under the control of employees of a federal, state or local law enforcement agency;

(C)

transportation of conditionally exempt controlled substances shall be in accordance with the following requirements:1. conditionally exempt controlled substances shall be transported by employees of a federal, state or local law enforcement agency; 2. during transportation, the conditionally exempt controlled substances shall be accompanied by a shipping paper which, at a minimum, shall provide the following information: a. a list of the substances being transported; b. the type and number of containers being used to transport each type of substance; c. the quantity, by weight or volume, of each type of substance being transported (if known); d. the state(s) (e.g., solid, powder, liquid, semi-liquid, gas, etc.) of each type of substance being transported; e. the final destination and interim destinations, if any, of the substances; f. the name and telephone number of an emergency response contact, for use in the event of a spill or other release; g. the name, address and telephone number of the law enforcement agency from which the shipment originates, the printed name and signature of the peace officer authorizing the shipment, and the date the shipment originates; h. the name, address, telephone number and signature of the law enforcement agency employee(s) responsible for the custody and security of the substances during transportation; and i. the name, address and telephone number of the facility which is the final destination of the substances; and 3. in the event of a spill or release of a conditionally exempt controlled substance during transportation, the law enforcement agency employee responsible for the substance during transportation shall take appropriate immediate action to protect human health and the environment (e.g., notify local law enforcement agencies and/or other local emergency response agencies, dike the spill area, etc.). The law enforcement agency employee responsible for the released substance during transportation shall clean up or provide for the clean up of the spilled or released substance, or take such other action as may

be required or approved by Federal, State, or local officials to ensure that the release no longer presents a hazard to human health or the environment;

1.

conditionally exempt controlled substances shall be transported by employees of a federal, state or local law enforcement agency;

2.

during transportation, the conditionally exempt controlled substances shall be accompanied by a shipping paper which, at a minimum, shall provide the following information: a. a list of the substances being transported; b. the type and number of containers being used to transport each type of substance; c. the quantity, by weight or volume, of each type of substance being transported (if known); d. the state(s) (e.g., solid, powder, liquid, semi-liquid, gas, etc.) of each type of substance being transported; e. the final destination and interim destinations, if any, of the substances; f. the name and telephone number of an emergency response contact, for use in the event of a spill or other release; g. the name, address and telephone number of the law enforcement agency from which the shipment originates, the printed name and signature of the peace officer authorizing the shipment, and the date the shipment originates; h. the name, address, telephone number and signature of the law enforcement agency employee(s) responsible for the custody and security of the substances during transportation; and i. the name, address and telephone number of the facility which is the final destination of the substances; and

a.

a list of the substances being transported;

b.

the type and number of containers being used to transport each type of substance;

c.

the quantity, by weight or volume, of each type of substance being transported (if known);

d.

the state(s) (e.g., solid, powder, liquid, semi-liquid, gas, etc.) of each type of substance being transported;

e.

the final destination and interim destinations, if any, of the substances;

f.

the name and telephone number of an emergency response contact, for use in the event of a spill or other release;

g.

the name, address and telephone number of the law enforcement agency from which the shipment originates, the printed name and signature of the peace officer authorizing the shipment, and the date the shipment originates;

h.

the name, address, telephone number and signature of the law enforcement agency employee(s) responsible for the custody and security of the substances during transportation; and

i.

the name, address and telephone number of the facility which is the final destination of the substances; and

3.

in the event of a spill or release of a conditionally exempt controlled substance during transportation, the law enforcement agency employee responsible for the substance during transportation shall take appropriate immediate action to protect human health and the environment (e.g., notify local law enforcement agencies and/or other local emergency response agencies, dike the spill area, etc.). The law enforcement agency employee responsible for the released substance during transportation shall clean up or provide for the clean up of the spilled or released substance, or take such other action as may be required or approved by Federal, State, or local officials to ensure that the release no longer presents a hazard to human health or the environment;

(D)

treatment of conditionally exempt controlled substances shall be limited to:1. incineration in

accordance with paragraphs (3)(E) of this subsection; and 2. the addition of absorbent material to a conditionally exempt controlled substance in a container or the addition of a conditionally exempt controlled substance to absorbent material in a container, in conjunction with incineration pursuant to paragraphs (3)(E) of this subsection;

1.

incineration in accordance with paragraphs (3)(E) of this subsection; and

2.

the addition of absorbent material to a conditionally exempt controlled substance in a container or the addition of a conditionally exempt controlled substance to absorbent material in a container, in conjunction with incineration pursuant to paragraphs (3)(E) of this subsection;

(E)

incineration of conditionally exempt controlled substances pursuant to this subsection shall be subject to the following requirements and limitations: 1. conditionally exempt controlled substances shall be incinerated under the following operating conditions: a. incineration shall be in an airtight combustion device operated under negative air pressure through the combustion zone; b. a feed airlock or an equivalent mechanism shall be used to prevent fugitive emissions; c. the temperature in the combustion zone shall be maintained at or above 1600 degrees Fahrenheit for a minimum residence time of one second; d. when only controlled substances are being incinerated, the controlled substance feed rate shall be between 25 percent and 75 percent of the incinerator's thermal design capacity; e. when controlled substances are being incinerated with other materials, the total feed rate shall be greater than 40 percent, and no more than 100 percent, of the incinerator's thermal design capacity; and f. if the incineration facility is not equipped with emissions control devices (e.g., scrubbers), the controlled substances feed rate shall be limited to 40 pounds per hour; and 2. the incineration facility shall comply with all applicable Federal, State and local regulatory agency requirements;

1.

conditionally exempt controlled substances shall be incinerated under the following operating conditions: a. incineration shall be in an airtight combustion device operated under negative air pressure through the combustion zone; b. a feed airlock or an equivalent mechanism shall be used to prevent fugitive emissions; c. the temperature in the combustion zone shall be maintained at or above 1600 degrees Fahrenheit for a minimum residence time of one second; d. when only controlled substances are being incinerated, the controlled substance feed rate shall be between 25 percent and 75 percent of the incinerator's thermal design capacity; e. when controlled substances are being incinerated with other materials, the total feed rate shall be greater than 40 percent, and no more than 100 percent, of the incinerator's thermal design capacity; and f. if the incineration facility is not equipped with emissions control devices (e.g., scrubbers), the controlled substances feed rate shall be limited to 40 pounds per hour; and

a.

incineration shall be in an airtight combustion device operated under negative air pressure through the combustion zone;

b.

a feed airlock or an equivalent mechanism shall be used to prevent fugitive emissions;

c.

the temperature in the combustion zone shall be maintained at or above 1600 degrees Fahrenheit for a minimum residence time of one second;

d.

when only controlled substances are being incinerated, the controlled substance feed rate shall be between 25 percent and 75 percent of the incinerator's thermal design capacity;

e.

when controlled substances are being incinerated with other materials, the total feed rate shall be greater than 40 percent, and no more than 100 percent, of the incinerator's thermal design capacity; and

f.

if the incineration facility is not equipped with emissions control devices (e.g., scrubbers), the controlled substances feed rate shall be limited to 40 pounds per hour; and

2.

the incineration facility shall comply with all applicable Federal, State and local regulatory agency requirements;

(F)

all law enforcement agency and incinerator facility personnel who handle conditionally exempt controlled substances shall complete health and safety training equivalent to the training required under Title 8, CCR, section 5194, within six months after the effective date of these regulations. No personnel shall be newly assigned to handle conditionally exempt controlled substances after the effective date of these regulations until they have completed the required health and safety training.

(4)

Except as provided in paragraph (3) of this subsection, conditionally exempt controlled substances shall be stored, transported, treated and disposed of as hazardous waste in accordance with the requirements of this division and Health and Safety Code, division 20, chapter 6.5.

(5)

Any controlled substance, as defined in section 11007 of the Health and Safety Code, which is not a hazardous waste, pursuant to section 66262.11, is not subject to the requirements of this division.

(h)

CRT panel glass that meets the criteria specified in section 66273.81 of chapter 23 of this division and is destined for disposal in a CRT panel glass approved landfill pursuant to section 66273.75 of chapter 23, and is managed prior to disposal in

accordance with the management standards specified in sections 66273.73 and 66273.75 and article 8 of chapter 23, is not a hazardous waste for purposes of disposal. CRT panel glass that is excluded and managed in accordance with this exclusion and the standards specified therein is exempt from the generator and hazardous waste disposal fees.

(i)

CRT panel glass that is managed in accordance with section 25143.2.5 of the Health and Safety Code is not subject to regulation by DTSC pursuant to Health and Safety Code, division 20, chapter 6.5.

(j)

Airbag waste.(1) Airbag waste at the airbag waste handler or during transport to an airbag waste collection facility or designated facility is not subject to regulation under chapters 12 through 16, 18, and 20 through 21 of this division, and is not subject to the notification requirements of Health and Safety Code section 25153.6 provided that: (A) The airbag waste is accumulated in a quantity of no more than 250 airbag modules or airbag inflators, for no longer than 180 days; (B) The airbag waste is packaged in a container designed to address the risk posed by the airbag waste and labeled "Airbag Waste-Do Not Reuse"; (C) The airbag waste is sent directly to either:1. An airbag waste collection facility in the United States under the control of a vehicle manufacturer or their authorized representative, or under the control of an authorized party administering a remedy program in response to a recall under the National Highway Traffic Safety Administration, or 2. A designated facility as defined in section 66260.10 of this division; (D) The transport of the airbag waste complies with all applicable U.S. Department of Transportation regulations in 49 CFR parts 171 through 180 during transit; (E) The airbag waste handler maintains at the handler facility for no less than three years records of all

offsite shipments of airbag waste and all confirmations of receipt from the receiving facility. For each shipment, these records shall, at a minimum, contain the name of the transporter and date of the shipment; name and address of receiving facility; and the type and quantity of airbag waste (i.e., airbag modules or airbag inflators) in the shipment. Confirmations of receipt shall include the name and address of the receiving facility; the type and quantity of the airbag waste (i.e., airbag modules and airbag inflators) received; and the date which it was received. Shipping records and confirmations of receipt shall be made available for inspection and may be satisfied by routine business records (e.g., electronic or paper financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt). (2) Once airbag waste arrives at an airbag waste collection facility or designated facility, it becomes subject to all applicable hazardous waste regulations, including chapters 12 through 16, 18, and 20 through 21 of this division, and the facility receiving the airbag waste is considered the hazardous waste generator for the purposes of the hazardous waste regulations and shall comply with the requirements of chapter 12 of this division. (3) Reuse in vehicles of defective airbag modules or defective airbag inflators subject to a recall under the National Highway Traffic Safety Administration is prohibited.

(1)

Airbag waste at the airbag waste handler or during transport to an airbag waste collection facility or designated facility is not subject to regulation under chapters 12 through 16, 18, and 20 through 21 of this division, and is not subject to the notification requirements of Health and Safety Code section 25153.6 provided that: (A) The airbag waste is accumulated in a quantity of no more than 250 airbag modules or airbag inflators, for no longer than 180 days; (B) The airbag waste is packaged in a container designed to address the risk posed by the airbag waste and labeled "Airbag Waste-Do

Not Reuse"; (C) The airbag waste is sent directly to either:1. An airbag waste collection facility in the United States under the control of a vehicle manufacturer or their authorized representative, or under the control of an authorized party administering a remedy program in response to a recall under the National Highway Traffic Safety Administration, or 2. A designated facility as defined in section 66260.10 of this division; (D) The transport of the airbag waste complies with all applicable U.S. Department of Transportation regulations in 49 CFR parts 171 through 180 during transit; (E) The airbag waste handler maintains at the handler facility for no less than three years records of all offsite shipments of airbag waste and all confirmations of receipt from the receiving facility. For each shipment, these records shall, at a minimum, contain the name of the transporter and date of the shipment; name and address of receiving facility; and the type and quantity of airbag waste (i.e., airbag modules or airbag inflators) in the shipment. Confirmations of receipt shall include the name and address of the receiving facility; the type and quantity of the airbag waste (i.e., airbag modules and airbag inflators) received; and the date which it was received. Shipping records and confirmations of receipt shall be made available for inspection and may be satisfied by routine business records (e.g., electronic or paper financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt).

(A)

The airbag waste is accumulated in a quantity of no more than 250 airbag modules or airbag inflators, for no longer than 180 days;

(B)

The airbag waste is packaged in a container designed to address the risk posed by the airbag waste and labeled "Airbag Waste-Do Not Reuse";

(C)

The airbag waste is sent directly to either:1. An airbag waste collection facility in the United

States under the control of a vehicle manufacturer or their authorized representative, or under the control of an authorized party administering a remedy program in response to a recall under the National Highway Traffic Safety Administration, or 2. A designated facility as defined in section 66260.10 of this division;

1.

An airbag waste collection facility in the United States under the control of a vehicle manufacturer or their authorized representative, or under the control of an authorized party administering a remedy program in response to a recall under the National Highway Traffic Safety Administration, or

2.

A designated facility as defined in section 66260.10 of this division;

(D)

The transport of the airbag waste complies with all applicable U.S. Department of Transportation regulations in 49 CFR parts 171 through 180 during transit;

(E)

The airbag waste handler maintains at the handler facility for no less than three years records of all offsite shipments of airbag waste and all confirmations of receipt from the receiving facility. For each shipment, these records shall, at a minimum, contain the name of the transporter and date of the shipment; name and address of receiving facility; and the type and quantity of airbag waste (i.e., airbag modules or airbag inflators) in the shipment. Confirmations of receipt shall include the name and address of the receiving facility; the type and quantity of the airbag waste (i.e., airbag modules and airbag inflators) received; and the date which it was received. Shipping records and confirmations of receipt shall be made available for inspection and may be satisfied by routine business records (e.g., electronic or paper financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt).

(2)

Once airbag waste arrives at an airbag waste collection facility or designated facility, it becomes subject to all applicable hazardous waste regulations, including chapters 12 through 16, 18, and 20 through 21 of this division, and the facility receiving the airbag waste is considered the hazardous waste generator for the purposes of the hazardous waste regulations and shall comply with the requirements of chapter 12 of this division.

(3)

Reuse in vehicles of defective airbag modules or defective airbag inflators subject to a recall under the National Highway Traffic Safety Administration is prohibited.