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Title 22@ Social Security

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

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Chapter 11@ Identification and Listing of Hazardous Waste

|->

Article 1@ General

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Section 66261.7@ Contaminated Containers

66261.7 Contaminated Containers

(a)

Except as provided in Section 66262.70 and subsections (g), (h), (i), (k), (l), (m), (n), and (o) of this section, any container (as defined in Section 66260.10 of this division), or inner liner removed from a container, which previously held a hazardous material, including but not limited to hazardous waste, and which is empty as defined in subsection (b) or (d) of this section shall be exempt from regulation under this division and Chapter 6.5 of Division 20 of the Health and Safety Code if it will be managed in accordance with subsection (e) of this section. Existing permits which contain specific conditions governing container cleaning operations which conflict with the provisions of these regulations may be amended to be consistent with this regulation by following the Class 2 permit modification procedures set forth in Section 66270.42(b).

(b)

A container, or an inner liner removed from a container, which previously held a hazardous material, including hazardous waste, is empty if the container or the inner liner removed from a container has been emptied so that: (1) If the hazardous material which the container or inner liner held is pourable, no hazardous material can be poured or drained from the container or inner liner when the container or inner liner is held in any orientation (e.g., tilted, inverted, etc.); and (2) If the hazardous material which the container or inner liner held is

not pourable, no hazardous material remains in or on the container or inner liner that can feasibly be removed by physical methods (excluding rinsing) which comply with applicable air pollution control laws and which are commonly employed to remove materials from that container or inner liner. Following material removal, the top, bottom and sidewalls of such a container shall not contain remaining adhered or crusted material resulting from buildup of successive layers of material or a mass of solidified material. A thin uniform layer or dried material or powder is considered acceptable. A person who treats a container or inner liner onsite by employing physical methods to satisfy the standard in this subsection is authorized to perform such treatment for purposes of Health and Safety Code Section 25201.

(1)

If the hazardous material which the container or inner liner held is pourable, no hazardous material can be poured or drained from the container or inner liner when the container or inner liner is held in any orientation (e.g., tilted, inverted, etc.); and

(2)

If the hazardous material which the container or inner liner held is not pourable, no hazardous material remains in or on the container or inner liner that can feasibly be removed by physical methods (excluding rinsing) which comply with applicable air pollution control laws and which are commonly employed to remove materials from that container or inner liner. Following material removal, the top, bottom and sidewalls of such a container shall not contain remaining adhered or crusted material resulting from buildup of successive layers of material or a mass of solidified material. A thin uniform layer or dried material or powder is considered acceptable. A person who treats a container or inner liner onsite by employing physical methods to satisfy the standard in this subsection is authorized to perform such treatment for purposes of

(c)

A person who treats a container or an inner liner removed from a container of five gallons or less in capacity which has been emptied pursuant to subsection (b) of this section is authorized, for purposes of Health and Safety Code Section 25201, to perform such activities if any rinsate or other residue generated by these activities is completely captured and classified in accordance with the provisions of this division and any applicable waste discharge requirements.

(d)

A container or an inner liner removed from a container that has held a material listed as an acute hazardous waste in Sections 261.31, 261.32, or 261.33(e) Title 40 of the Federal Code of Regulations or a waste which is extremely hazardous pursuant to any of the criteria of Sections 66261.110, 66261.113, and Title 22, California Code of Regulations, Division 4.5, Chapter 11, Appendix X is empty if:

(1) The container or inner liner has been triple rinsed using a solvent capable of removing the waste and all pourable residues have been removed from the container or inner liner in accordance with subsection (b)(1) of this section. Triple rinsing activities shall require specific authorization from the Department unless subject to the provisions of Health and Safety Code Section 25143.2(c)(2); or

(2) The container or inner liner is cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal. Alternative methods to rinsing require prior approval by the Department.

(1)

The container or inner liner has been triple rinsed using a solvent capable of removing the waste and all pourable residues have been removed from the container or inner

liner in accordance with subsection (b)(1) of this section. Triple rinsing activities shall require specific authorization from the Department unless subject to the provisions of Health and Safety Code Section 25143.2(c)(2); or

(2)

The container or inner liner is cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal. Alternative methods to rinsing require prior approval by the Department.

(e)

In order to retain the exemption under this section, an empty container or an inner liner removed from a container must be managed by one of the following methods: (1) Except as otherwise provided in Section 42170 of the Public Resources Code, for containers of five gallons or less in capacity, or inner liners removed from containers of five gallons or less in capacity, by disposing of the container or inner liner at an appropriate solid waste facility, provided that the container or inner liner is packaged and transported in accordance with applicable U.S. Department of Transportation regulations (49 CFR Part 173); or (2) By reclaiming its scrap value onsite or shipping the container or inner liner to a person who reclaims its scrap value, provided that the container or inner liner is packaged and transported in accordance with applicable U.S. Department of Transportation regulations (49 CFR Part 173); or (3) By reconditioning or remanufacturing the container or inner liner onsite pursuant to 49 CFR Section 173.28 (c) and (d) (revised at 55 FR 52402 - 52729) for subsequent reuse, or shipping the container or inner liner to a person who reconditions or remanufactures the container or inner liner pursuant to 49 CFR Section 173.28 (c) and (d) (revised at 55 FR 52402 - 52729); or (4) By shipping the container or inner liner to a supplier or to another intermediate collection location for

accumulation prior to managing the container or inner liner pursuant to subsections (e)(1), (e)(2) or (e)(3) of this section, provided that the container or inner liner is packaged and transported in accordance with applicable U.S. Department of Transportation regulations.

(1)

Except as otherwise provided in Section 42170 of the Public Resources Code, for containers of five gallons or less in capacity, or inner liners removed from containers of five gallons or less in capacity, by disposing of the container or inner liner at an appropriate solid waste facility, provided that the container or inner liner is packaged and transported in accordance with applicable U.S. Department of Transportation regulations (49 CFR Part 173); or

(2)

By reclaiming its scrap value onsite or shipping the container or inner liner to a person who reclaims its scrap value, provided that the container or inner liner is packaged and transported in accordance with applicable U.S. Department of Transportation regulations (49 CFR Part 173); or

(3)

By reconditioning or remanufacturing the container or inner liner onsite pursuant to 49 CFR Section 173.28 (c) and (d) (revised at 55 FR 52402 - 52729) for subsequent reuse, or shipping the container or inner liner to a person who reconditions or remanufactures the container or inner liner pursuant to 49 CFR Section 173.28 (c) and (d) (revised at 55 FR 52402 - 52729); or

(4)

By shipping the container or inner liner to a supplier or to another intermediate collection location for accumulation prior to managing the container or inner liner pursuant to subsections (e)(1), (e)(2) or (e)(3) of this section, provided that the

container or inner liner is packaged and transported in accordance with applicable U.S. Department of Transportation regulations.

(f)

A container or an inner liner removed from a container larger than five gallons in capacity which is managed pursuant to subsection (e) of this section shall be marked with the date it has been emptied and shall be managed within one year of being emptied.

(g)

Any person who generates an empty container or an inner liner larger than five gallons in capacity which previously held a hazardous material shall maintain, and provide upon request, to the Department, the Environmental Protection Agency, or any local agency or official authorized to bring an action as provided in Health and Safety Code Section 25180 the name, street address, mailing address and telephone number of the owner or operator of the facility where the empty container has been shipped. The above information shall be retained onsite for a period of three years.

(h)

Uncontaminated containers, where an inner liner has prevented contact of the hazardous material with the inner surface of the container, are not hazardous waste subject to regulation under this division and Chapter 6.5 of Division 20 of the Health and Safety Code.

(i)

Containers or inner liners which previously held a hazardous material which are sent back to the supplier for the purpose of being refilled are exempt from regulation under this division and Chapter 6.5 of Division 20 of the Health and Safety Code if all of the following requirements are met: (1) The container or

inner liner was last used to hold a hazardous material acquired from a supplier of hazardous materials; (2) The container or inner liner is empty pursuant to the standards set forth in Section 261.7 of Title 40 of the Code of Federal Regulations; (3) The container or inner liner is returned to a supplier of hazardous materials for the purpose of being refilled, provided that the supplier's reuse of the container or inner liner is in compliance with the requirements of Section 173.28 of Title 49 of the Code of Federal Regulations; (4) The container or inner liner is not treated prior to being returned to the supplier of hazardous materials, except as authorized by this section; (5) The container is not treated (except as authorized by this section) by the supplier of hazardous materials without obtaining specific authorization from the Department; and (6) The container or inner liner is refilled by the supplier with hazardous material which is compatible with the hazardous material which the container or inner liner previously held unless the container has been adequately decontaminated.

(1)

The container or inner liner was last used to hold a hazardous material acquired from a supplier of hazardous materials;

(2)

The container or inner liner is empty pursuant to the standards set forth in Section 261.7 of Title 40 of the Code of Federal Regulations;

(3)

The container or inner liner is returned to a supplier of hazardous materials for the purpose of being refilled, provided that the supplier's reuse of the container or inner liner is in compliance with the requirements of Section 173.28 of Title 49 of the Code of Federal Regulations;

(4)

The container or inner liner is not treated prior to being returned to the supplier of hazardous materials, except as authorized by this section;

(5)

The container is not treated (except as authorized by this section) by the supplier of hazardous materials without obtaining specific authorization from the Department; and

(6)

The container or inner liner is refilled by the supplier with hazardous material which is compatible with the hazardous material which the container or inner liner previously held unless the container has been adequately decontaminated.

(j)

If the supplier, upon receiving a container or an inner liner pursuant to subsection (i) of this section, is unable to refill the container or inner liner, the supplier shall empty the container or inner liner pursuant to subsections (b) or (d) of this section and manage the container or inner liner pursuant to subsection (e) of this section.

(k)

Emptied household hazardous material and pesticide container, or inner liners removed from containers, of five gallon or less in capacity, are exempt from regulation under this division and Chapter 6.5 of Division 20 of the Health and Safety Code if the container or inner liner is emptied by removing all of the contents that can be removed using practices commonly employed to remove materials from that type of container.

(l)

A compressed gas cylinder is exempt from regulation under this division and Chapter 6.5 of Division 20 of the Health and Safety Code when the pressure in the container approaches atmospheric pressure.

(m)

(1) Provided that they are not a RCRA regulated hazardous waste, as defined in Section 66260.10 of this division, aerosol containers are exempt from regulation under this division and Chapter 6.5 of Division 20 of the Health and Safety Code if the aerosol container was emptied of the contents and propellant to the maximum extent practical under normal use (i.e., the spray mechanism was not defective and thus allowed discharge of the contents and propellant). (2) Unless otherwise exempt under other provisions of law, aerosol containers which held a material listed as an acute hazardous waste in Sections 261.31, 261.32, or a material identified as an acute hazardous waste in Section 261.33(e), Title 40 of the Code of Federal Regulations, or a waste which is extremely hazardous pursuant to any of the criteria of Sections 66261.110, 66261.113, and Title 22, California Code of Regulations, Division 4.5, Chapter 11, Appendix X are not exempt under this section and shall be managed as hazardous waste in accordance with this division and Chapter 6.5 of Division 20 of the Health and Safety Code (commencing with Section 25100). (3) For purposes of this section, "aerosol container" means a pressurized, sealed container which contains a product and liquified or compressed gases, and which can dispense that product by the activation of a pressure-sensitive valve.

(1)

Provided that they are not a RCRA regulated hazardous waste, as defined in Section 66260.10 of this division, aerosol containers are exempt from regulation under this division and Chapter 6.5 of Division 20 of the Health and Safety Code if the aerosol container was emptied of the contents and propellant to the maximum extent practical under normal use (i.e., the spray mechanism was not defective and thus allowed discharge of the contents and propellant).

(2)

Unless otherwise exempt under other provisions of law, aerosol containers which held a material listed as an acute hazardous waste in Sections 261.31, 261.32, or a material identified as an acute hazardous waste in Section 261.33(e), Title 40 of the Code of Federal Regulations, or a waste which is extremely hazardous pursuant to any of the criteria of Sections 66261.110, 66261.113, and Title 22, California Code of Regulations, Division 4.5, Chapter 11, Appendix X are not exempt under this section and shall be managed as hazardous waste in accordance with this division and Chapter 6.5 of Division 20 of the Health and Safety Code (commencing with Section 25100).

(3)

For purposes of this section, "aerosol container" means a pressurized, sealed container which contains a product and liquified or compressed gases, and which can dispense that product by the activation of a pressure-sensitive valve.

(n)

Containers made of wood, paper, cardboard, fabric, or any other similarly absorptive material are not exempt from regulation under this division or Chapter 6.5 of Division 20 of the Health and Safety Code if the container was in direct contact with and has absorbed the hazardous waste or a hazardous material.

(o)

The following items are not containers for purposes of this section and should continue to be managed as specified below: (1) Used oil filters managed pursuant to Section 66266.130 of this division. (2) PCB or PCB contaminated electrical equipment, including but not limited to, transformers and capacitors managed pursuant to 40 CFR Section 761.60, or Section 66268.29(b) of this division, so that the Soluble Threshold Limit Concentration (STLC) and the Total Threshold Limit Concentration (TTLC) values set forth in Section 66261.24(a)(2) of this

division are not exceeded. (3) Chemotherapy drug intravenous (IV) bags or tubing used for the delivery of chemotherapy agents managed pursuant to Chapter 6.1 of Division 20 of the Health and Safety Code.

(1)

Used oil filters managed pursuant to Section 66266.130 of this division.

(2)

PCB or PCB contaminated electrical equipment, including but not limited to, transformers and capacitors managed pursuant to 40 CFR Section 761.60, or Section 66268.29(b) of this division, so that the Soluble Threshold Limit Concentration (STLC) and the Total Threshold Limit Concentration (TTLC) values set forth in Section 66261.24(a)(2) of this division are not exceeded.

(3)

Chemotherapy drug intravenous (IV) bags or tubing used for the delivery of chemotherapy agents managed pursuant to Chapter 6.1 of Division 20 of the Health and Safety Code.

(p)

The residue remaining in a bulk container (as defined in section 66260.10) that has held hazardous waste is not a hazardous waste, except as provided in subsections (p)(2) and (p)(3), and a facility that receives the bulk container for cleaning or reuse, by such receipt is not receiving offsite waste, if the bulk container is empty as defined in subsection (p)(1) below.(1) A bulk container that has held hazardous waste is empty if: (A) for a residue that contains a material described in subsection (d) of this section, the bulk container is empty pursuant to subsection (d); or (B) for a residue that does not contain a material described in subsection (d), the residue is no more than 0.3% by weight of the total capacity of the bulk container. (2) The residue in a bulk container that is empty pursuant to

subsection (p)(1)(B) of this section is subject to regulation under this division as a hazardous waste when: (A) the bulk container ceases to be operated for hazardous waste or hazardous material transportation; or (B) the residue is from hazardous waste that was hazardous by the characteristic of toxicity (as defined in section 66261.24), and, without prior removal of the residue, the bulk container is subsequently used to hold a product or recyclable material which would be reduced in quality, value, or usefulness, rendered non-recyclable, or which would potentially have an adverse effect on human health and/or the environment by commingling with the residue, or (C) without prior removal of the residue, the bulk container is subsequently used to hold a material that is chemically incompatible with the residue, including, but not limited to, those incompatible materials listed in Appendix V of chapter 14 of this division. (3) An offsite facility that receives a bulk container that held a hazardous waste is an offsite facility subject to the facility standards of chapters 14, 15, and 20 of this division if: (A) the bulk container is not empty pursuant to subsection (p)(1); or (B) the bulk container is empty pursuant to subsection (p)(2), and, without removal of the residue, the bulk container is subsequently used to hold a material that is chemically incompatible with that residue, including, but not limited to, those incompatible materials listed in Appendix V of chapter 14 of this division.

(1)

A bulk container that has held hazardous waste is empty if: (A) for a residue that contains a material described in subsection (d) of this section, the bulk container is empty pursuant to subsection (d); or (B) for a residue that does not contain a material described in subsection (d), the residue is no more than 0.3% by weight of the total capacity of the bulk container.

(A)

for a residue that contains a material described in subsection (d) of this section, the bulk container is empty pursuant to subsection (d); or

(B)

for a residue that does not contain a material described in subsection (d), the residue is no more than 0.3% by weight of the total capacity of the bulk container.

(2)

The residue in a bulk container that is empty pursuant to subsection (p)(1)(B) of this section is subject to regulation under this division as a hazardous waste when: (A) the bulk container ceases to be operated for hazardous waste or hazardous material transportation; or (B) the residue is from hazardous waste that was hazardous by the characteristic of toxicity (as defined in section 66261.24), and, without prior removal of the residue, the bulk container is subsequently used to hold a product or recyclable material which would be reduced in quality, value, or usefulness, rendered non-recyclable, or which would potentially have an adverse effect on human health and/or the environment by commingling with the residue, or (C) without prior removal of the residue, the bulk container is subsequently used to hold a material that is chemically incompatible with the residue, including, but not limited to, those incompatible materials listed in Appendix V of chapter 14 of this division.

(A)

the bulk container ceases to be operated for hazardous waste or hazardous material transportation; or

(B)

the residue is from hazardous waste that was hazardous by the characteristic of toxicity (as defined in section 66261.24), and, without prior removal of the residue, the bulk container is subsequently used to hold a product or recyclable material which would be reduced in quality, value, or usefulness, rendered non-recyclable, or which would potentially have an

adverse effect on human health and/or the environment by commingling with the residue,
or

(C)

without prior removal of the residue, the bulk container is subsequently used to hold a material that is chemically incompatible with the residue, including, but not limited to, those incompatible materials listed in Appendix V of chapter 14 of this division.

(3)

An offsite facility that receives a bulk container that held a hazardous waste is an offsite facility subject to the facility standards of chapters 14, 15, and 20 of this division if: (A) the bulk container is not empty pursuant to subsection (p)(1); or (B) the bulk container is empty pursuant to subsection (p)(2), and, without removal of the residue, the bulk container is subsequently used to hold a material that is chemically incompatible with that residue, including, but not limited to, those incompatible materials listed in Appendix V of chapter 14 of this division.

(A)

the bulk container is not empty pursuant to subsection (p)(1); or

(B)

the bulk container is empty pursuant to subsection (p)(2), and, without removal of the residue, the bulk container is subsequently used to hold a material that is chemically incompatible with that residue, including, but not limited to, those incompatible materials listed in Appendix V of chapter 14 of this division.

(q)

Reserved.

(r)

Any container, or inner liner removed from a container, which previously held a hazardous material, including but not limited to hazardous waste, and which is not

empty as defined in subsections (b) or (d) of this section, or otherwise exempt from regulation as a hazardous waste under this division or Chapter 6.5 of Division 20 of the Health and Safety Code (commencing with Section 25100), shall be managed as a hazardous waste in accordance with this division and Chapter 6.5 of Division 20 of the Health and Safety Code (commencing with Section 25100).

(s)

The generator and transporter shall comply with the provisions of the Sanitary Food Transportation Act of 1990 (Title 49 of the United States Code Section 5701 et seq.) and the National Economic Crossroads Transportation Efficiency Act of 1997 (Title 12 section 12002 et seq.) as applicable.