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Title 22@ Social Security

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

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Chapter 11@ Identification and Listing of Hazardous Waste

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Article 5@ Categories of Hazardous Waste

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Section 66261.124@ Classification of a Waste as a Special Waste

66261.124 Classification of a Waste as a Special Waste

(a)

A person who wishes to classify and manage a hazardous waste as a special waste shall obtain prior written approval from the Department for such classification and management. A person seeking approval to classify and manage a hazardous waste as a special waste shall submit an application to the Department which includes all the following information: (1) the name and address of the applicant and, if different, a billing address for receipt of the fee assessment required by Health and Safety Code section 25205.8; (2) the address where the waste is generated and located; (3) a description of the waste which shall include its source, physical state, quantity and rate of generation; (4) chemical analysis data showing that the waste meets the requisites of a special waste pursuant to section 66261.122(a)(2); (5) chemical analysis data, chemical and physical test data, and bioassay data, or factual information on the origin of the waste, which establish that it meets the criteria and requirements of special wastes in section 66261.122(a)(1) and section 66261.122(b). Data shall include analyses from a minimum of four representative samples as specified in chapter nine of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," SW-846, 3rd Edition, U.S. Environmental Protection Agency, 1986 (incorporated by reference, see section 66260.11 of this chapter).

(1)

the name and address of the applicant and, if different, a billing address for receipt of the fee assessment required by Health and Safety Code section 25205.8;

(2)

the address where the waste is generated and located;

(3)

a description of the waste which shall include its source, physical state, quantity and rate of generation;

(4)

chemical analysis data showing that the waste meets the requisites of a special waste pursuant to section 66261.122(a)(2);

(5)

chemical analysis data, chemical and physical test data, and bioassay data, or factual information on the origin of the waste, which establish that it meets the criteria and requirements of special wastes in section 66261.122(a)(1) and section 66261.122(b). Data shall include analyses from a minimum of four representative samples as specified in chapter nine of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," SW-846, 3rd Edition, U.S. Environmental Protection Agency, 1986 (incorporated by reference, see section 66260.11 of this chapter).

(b)

The Department, within 30 days of receipt of an application for approval to classify and manage a waste as special waste pursuant to subsection (a) of this section, shall acknowledge in writing receipt of the application. Pending written approval from the Department, the applicant shall manage the waste in accordance with all provisions of this division.

(c)

The Department, within 60 days of receipt of an application for approval to

classify and manage a waste as special waste pursuant to subsection (a) of this section, shall notify the applicant in writing that classification of the waste as special waste is approved or disapproved or that the application is incomplete or inadequate and what additional information is needed.

(d)

If the application is incomplete or inadequate, the Department, within 60 days of receipt of adequate additional information, shall notify the applicant in writing that classification of the waste as special waste is approved or disapproved.

(e)

When the Department has notified the applicant in writing that the application is incomplete or inadequate and what additional information is needed, the application will be considered disapproved if the applicant fails to provide the additional information within 90 days from the date the information was requested.

(f)

If the applicant cannot submit the additional information within the time frame specified in subsection (e) of this section, the applicant shall notify the Department in writing the reason for the delay and shall specify an additional time frame, up to 90 days, within which the information shall be submitted.

(g)

The application will be considered disapproved if the applicant fails to provide the additional information by the end of the additional time frame specified in subsection (f) of this section.

(h)

If the Department disapproves the application, the Department shall specify in writing the reason(s) for the disapproval.

(i)

Notwithstanding the time frames specified above, the Department shall not notify the applicant of the approval or disapproval of an application until after the applicant submits payment of the fee assessed by the Board of Equalization pursuant to Health and Safety Code section 25205.8.

(j)

Upon receipt of written approval from the Department, the applicant may classify and manage the waste as special waste pursuant to section 66261.126.

(k)

For wastes which are continuously or repetitively generated at the same facility, from the same process, utilizing the same kinds of materials (with respect to origin, composition and properties), the requirements of this section can be met by the submission of the required information either for each separately generated quantity of the waste or for a representative sample of the continuously or repetitively generated waste.