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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 66261.122@ Criteria and Requirements of a Special Waste

66261.122 Criteria and Requirements of a Special Waste

(a)

A hazardous waste which meets all of the following criteria and requirements shall be classified as a special waste upon application pursuant to section 66261.124:

(1) it is a solid, a water-based sludge or a water-based slurry of which the solid constituents are substantially insoluble in water; (2) it is a hazardous waste only because: (A) it contains a persistent or bioaccumulative substance listed in section 66261.24(a)(2)(A) at a solubilized and extractable concentration exceeding its Soluble Threshold Limit Concentration (STLC), or at a total concentration exceeding its Total Threshold Limit Concentration (TTLC), as said STLC and TTLC values are set forth in section 66261.24(a)(2)(A) and determined as prescribed in Appendix II of this chapter; except that: 1. it shall contain no persistent or bioaccumulative substance listed in section 66261.24(a)(2)(A) at a solubilized and extractable concentration in milligrams per kilogram of waste exceeding the TTLC value for the substance as set forth in section 66261.24(a)(2)(A) and determined as prescribed in Appendix II of this chapter; and 2. it shall contain no persistent or bioaccumulative inorganic substance listed in section 66261.113(b) at a concentration equal to or exceeding the TTLC value of the substance as set forth in section 66261.113(b).

(1)

it is a solid, a water-based sludge or a water-based slurry of which the solid

constituents are substantially insoluble in water;

(2)

it is a hazardous waste only because: (A) it contains a persistent or bioaccumulative substance listed in section 66261.24(a)(2)(A) at a solubilized and extractable concentration exceeding its Soluble Threshold Limit Concentration (STLC), or at a total concentration exceeding its Total Threshold Limit Concentration (TTLC), as said STLC and TTLC values are set forth in section 66261.24(a)(2)(A) and determined as prescribed in Appendix II of this chapter; except that: 1. it shall contain no persistent or bioaccumulative substance listed in section 66261.24(a)(2)(A) at a solubilized and extractable concentration in milligrams per kilogram of waste exceeding the TTLC value for the substance as set forth in section 66261.24(a)(2)(A) and determined as prescribed in Appendix II of this chapter; and 2. it shall contain no persistent or bioaccumulative inorganic substance listed in section 66261.113(b) at a concentration equal to or exceeding the TTLC value of the substance as set forth in section 66261.113(b).

(A)

it contains a persistent or bioaccumulative substance listed in section 66261.24(a)(2)(A) at a solubilized and extractable concentration exceeding its Soluble Threshold Limit Concentration (STLC), or at a total concentration exceeding its Total Threshold Limit Concentration (TTLC), as said STLC and TTLC values are set forth in section 66261.24(a)(2)(A) and determined as prescribed in Appendix II of this chapter; except that: 1. it shall contain no persistent or bioaccumulative substance listed in section 66261.24(a)(2)(A) at a solubilized and extractable concentration in milligrams per kilogram of waste exceeding the TTLC value for the substance as set forth in section 66261.24(a)(2)(A) and determined as prescribed in Appendix II of this chapter; and 2. it shall contain no persistent or bioaccumulative inorganic substance listed in section 66261.113(b) at a

concentration equal to or exceeding the TTLC value of the substance as set forth in section 66261.113(b).

1.

it shall contain no persistent or bioaccumulative substance listed in section 66261.24(a)(2)(A) at a solubilized and extractable concentration in milligrams per kilogram of waste exceeding the TTLC value for the substance as set forth in section 66261.24(a)(2)(A) and determined as prescribed in Appendix II of this chapter; and

2.

it shall contain no persistent or bioaccumulative inorganic substance listed in section 66261.113(b) at a concentration equal to or exceeding the TTLC value of the substance as set forth in section 66261.113(b).

(b)

Special wastes do not include wastes which meet any of the following criteria: (1) wastes which are hazardous wastes pursuant to or because of: (A) any characteristic of a hazardous waste or other provision set forth in sections 66261.21, section 66261.22, section 66261.23 or section 66261.24(a)(3) through (a)(7); or (B) any criterion of an extremely hazardous waste or other provision set forth in section 66261.110 or section 66261.113; or (C) any constituent, except for a substance or material listed in section 66261.24(a)(2)(A), which experience or testing has shown to pose a threat to human health or the environment because of its carcinogenicity, chronic toxicity, bioaccumulative properties or persistence in the environment; or (D) the characteristic of toxicity, as this characteristic is set forth in section 66261.24(a)(1); or (E) the lists in article 4 of this chapter, unless a waste is excluded by the USEPA Administrator from 40 CFR Part 261, Subpart D pursuant to 40 CFR sections 260.20 and 260.22. Wastes excluded by the USEPA

Administrator pursuant to 40 CFR sections 260.20 and 260.22 are listed in 40 CFR 261 Part 261, Appendix IX; (2) wastes which contain any of the following: (A) more than 1.0 percent by weight of any organic substance or mixture of organic substance which is toxic pursuant to section 66261.24(a)(3), section 66261.24(a)(4), or section 66261.24(a)(5); or (B) more than 0.1 percent by weight of any organic substance or mixture of organic substance which is extremely hazardous pursuant to Appendix X of this chapter or section 66261.110(a)(1), section 66261.110(a)(2), section 66261.110(a)(3), or section 66261.110(a)(4); or (C) any organic substance listed in section 66261.24(a)(2)(B) at a total concentration exceeding the STLC value given for that substance; or (D) any inorganic or organic material which is extraneous to the waste as it is normally produced by the producer of the waste, excepting material which are incidental to, or necessary for, the handling of the waste; (3) hazardous wastes for which there are land disposal restrictions set forth in section 66268.32 and are defined in Health and Safety Code section 25122.7.

(1)

wastes which are hazardous wastes pursuant to or because of: (A) any characteristic of a hazardous waste or other provision set forth in sections 66261.21, section 66261.22, section 66261.23 or section 66261.24(a)(3) through (a)(7); or (B) any criterion of an extremely hazardous waste or other provision set forth in section 66261.110 or section 66261.113; or (C) any constituent, except for a substance or material listed in section 66261.24(a)(2)(A), which experience or testing has shown to pose a threat to human health or the environment because of its carcinogenicity, chronic toxicity, bioaccumulative properties or persistence in the environment; or (D) the characteristic of toxicity, as this characteristic is set forth in section 66261.24(a)(1); or (E) the lists in article 4 of this chapter, unless a waste is excluded

by the USEPA Administrator from 40 CFR Part 261, Subpart D pursuant to 40 CFR sections 260.20 and 260.22. Wastes excluded by the USEPA Administrator pursuant to 40 CFR sections 260.20 and 260.22 are listed in 40 CFR 261 Part 261, Appendix IX;

(A)

any characteristic of a hazardous waste or other provision set forth in sections 66261.21, section 66261.22, section 66261.23 or section 66261.24(a)(3) through (a)(7); or

(B)

any criterion of an extremely hazardous waste or other provision set forth in section 66261.110 or section 66261.113; or

(C)

any constituent, except for a substance or material listed in section 66261.24(a)(2)(A), which experience or testing has shown to pose a threat to human health or the environment because of its carcinogenicity, chronic toxicity, bioaccumulative properties or persistence in the environment; or

(D)

the characteristic of toxicity, as this characteristic is set forth in section 66261.24(a)(1); or

(E)

the lists in article 4 of this chapter, unless a waste is excluded by the USEPA Administrator from 40 CFR Part 261, Subpart D pursuant to 40 CFR sections 260.20 and 260.22. Wastes excluded by the USEPA Administrator pursuant to 40 CFR sections 260.20 and 260.22 are listed in 40 CFR 261 Part 261, Appendix IX;

(2)

wastes which contain any of the following: (A) more than 1.0 percent by weight of any organic substance or mixture of organic substance which is toxic pursuant to section 66261.24(a)(3), section 66261.24(a)(4), or section 66261.24(a)(5); or (B) more than

0.1 percent by weight of any organic substance or mixture of organic substance which is extremely hazardous pursuant to Appendix X of this chapter or section 66261.110(a)(1), section 66261.110(a)(2), section 66261.110(a)(3), or section 66261.110(a)(4); or (C) any organic substance listed in section 66261.24(a)(2)(B) at a total concentration exceeding the STLC value given for that substance; or (D) any inorganic or organic material which is extraneous to the waste as it is normally produced by the producer of the waste, excepting material which are incidental to, or necessary for, the handling of the waste;

(A)

more than 1.0 percent by weight of any organic substance or mixture of organic substance which is toxic pursuant to section 66261.24(a)(3), section 66261.24(a)(4), or section 66261.24(a)(5); or

(B)

more than 0.1 percent by weight of any organic substance or mixture of organic substance which is extremely hazardous pursuant to Appendix X of this chapter or section 66261.110(a)(1), section 66261.110(a)(2), section 66261.110(a)(3), or section 66261.110(a)(4); or

(C)

any organic substance listed in section 66261.24(a)(2)(B) at a total concentration exceeding the STLC value given for that substance; or

(D)

any inorganic or organic material which is extraneous to the waste as it is normally produced by the producer of the waste, excepting material which are incidental to, or necessary for, the handling of the waste;

(3)

hazardous wastes for which there are land disposal restrictions set forth in section

66268.32 and are defined in Health and Safety Code section 25122.7.