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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 12@ Standards Applicable to Generators of Hazardous Waste

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Article 3@ Pre-Transport Requirements

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Section 66262.35@ Extension(s) to Accumulation Time

## **66262.35 Extension(s) to Accumulation Time**

### **(a)**

A generator may accumulate non-RCRA or RCRA exempt hazardous waste for longer than the time periods specified in section 66262.16(b) or 66262.17(a) under the following conditions: (1) if hazardous wastes must remain onsite for longer than the applicable time specified in section 66262.16(b) or 66262.17(a) due to unforeseeable, temporary, and uncontrollable circumstances, a one-time extension of up to 90 days is automatically granted if all of the following conditions are met. (A) The generator submits a letter, by certified mail with return receipt requested, to the Certified Unified Program Agency (CUPA) notifying the CUPA of the extension. If the generator is located in a jurisdiction with no CUPA, then the notification letter shall be submitted to the officer or agency authorized pursuant to subdivision (f) of Health and Safety Code Section 25404.3 to implement and enforce the requirements of Health and Safety Code Section 25404(c)(1). The letter shall be received by the CUPA or authorized officer or agency prior to the generator exceeding the applicable time specified in section 66262.16(b) or 66262.17(a). In the letter the generator shall provide all of the following information: 1. A certification signed by the generator certifying that: a. the eligibility requirements and the conditions for the extension are met; and b. hazardous waste is not accumulated in waste piles; and c. where hazardous waste is accumulated in tank systems, the generator complies with sections

66265.190 through 66265.200, except 66265.197(c) of this division; and d. where hazardous waste is accumulated in containers, the generator complies with sections 66265.170 through 66265.177 of this division; and e. where hazardous waste is accumulated on drip pads, the generator complies with sections 66265.440 through 66265.445 of this division; and f. where hazardous waste is accumulated in containment buildings, the generator complies with sections 66265.1100 through 66265.1102 of this division; and g. hazardous waste will be managed in accordance with all requirements of chapters 14 and 15 of this Division applicable to generators, except those specifically excluded elsewhere in this section.

2. Name, mailing address, and telephone number of the generator or the facility owner or operator.

3. Generator or the facility owner/operator name and address or legal description of the site location, and EPA ID number.

4. A detailed explanation of why the extension is needed. This shall include at a minimum: a description of the hazardous wastestream(s) for which the extension is being requested, the maximum quantity to be stored over the applicable time limits specified in section 66262.16(b) or 66262.17(a), an explanation of how the wastestream is generated, and the start and end dates of the 90-day extension period.

(B) All generators authorized by the Department with a permit, Standardized Permit, or grant of Interim Status shall simultaneously submit to the Department a copy of the letter submitted to the CUPA, or, if there is no CUPA, to the agency authorized pursuant to subdivision (f) of HSC Section 25404.3. The letter shall certify that the eligibility requirements and the conditions for the extension are met and that the hazardous waste will be managed in accordance with the applicable requirements of Title 22.

(C) Upon request by a CUPA, or the authorized officer or agency, the generator shall provide all documents, operating logs, reports, or any other information that supports the claim of necessity for the

extension or relates to the management of the hazardous waste for which the extension is requested. (2) One or more 90-day extension(s) may be granted at the discretion of the CUPA, or if no CUPA then at the discretion of the authorized officer or agency in that jurisdiction, on a case-by-case basis if all of the following conditions are met: (A) The generator submits a letter, by certified mail with return receipt requested, to the CUPA, or if no CUPA then to the authorized officer or agency in that jurisdiction, requesting the extension. The letter shall be received by the CUPA or authorized officer or agency prior to the generator exceeding the accumulation time specified in section 66262.16(b) or 66262.17(a). In the letter the generator shall provide the information and certification listed in (a)(1)(A); (B) The hazardous waste is not accumulated in waste piles; (C) The generator meets one of the following circumstances: 1. There is a lack of offsite treatment capacity, offsite disposal capacity, or a treatment process for the generator's hazardous waste. The generator must submit documentation to the CUPA, or if no CUPA then to the authorized officer or agency in that jurisdiction, verifying attempts to locate an appropriate offsite treatment or disposal facility for the hazardous waste and list the names, addresses, and phone numbers of all the disposal and or treatment facilities that have been contacted. 2. Longer accumulation time is needed by the generator to treat its hazardous waste onsite. The speculative accumulation of hazardous waste is not sufficient reason for an extension. 3. An extension is needed because the onsite cleanup activity requires longer accumulation time (e.g., delays in clean up due to weather conditions). 4. An extension is needed because there was an emergency (e.g., mechanical failure, fire, etc.) at the business. 5. Generators that have already qualified for one 90-day extension beyond the applicable time specified in section 66262.16(b) or 66262.17(a) under section (a)(1)(A) above, but still require more

time due to unforeseeable, temporary, and uncontrollable circumstances. 6. Other good cause as determined by the CUPA, or if no CUPA then by the authorized officer or agency in that jurisdiction. (D) Upon request by a CUPA, or if no CUPA then by the authorized officer or agency in that jurisdiction, the generator shall provide all documents, operating logs, reports, or any other information that supports the claim of necessity for the extension or relates to the management of the hazardous waste for which the extension is requested. (3) In the event of a disaster, the Department may grant an emergency waiver allowing a 90-day extension to the generators within the geographic location of the disaster if the following conditions are met: (A) The hazardous waste must be accumulated in tank systems that comply with the technical standards of Title 22, CCR, chapter 15, article 10, or containers that comply with the technical standards of Title 22, CCR, chapter 15, article 9, or placed on drip pads and the generator complies with Title 22, CCR, chapter 15, article 17.5, or placed in containment buildings and the generator complies with article 29 of chapter 15 of Title 22, CCR. Hazardous waste accumulated in waste piles shall not be eligible for this extension. (B) The emergency waiver shall only be activated when there has been a proclamation of a state of emergency by the federal, state, or local government for the geographic location (e.g., city or county). (C) The Department shall issue a press release specifying which particular geographic location (e.g., city, county) will be granted an emergency waiver. (D) The Department may further extend the effective period of the emergency waiver, as necessary, to assist the recovery process from the disaster. This extension shall also be announced through a press release. (E) Upon request by the Department, a CUPA, or if no CUPA then by the authorized officer or agency in that jurisdiction, the generator shall provide all documents, operating logs, reports, or any other information that supports the claim of

necessity for the extension or relates to the management of the hazardous waste for which the extension is requested.

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1. A certification signed by the generator certifying that:
  - a. the eligibility requirements and the conditions for the extension are met; and
  - b. hazardous waste is not accumulated in waste piles; and
  - c. where hazardous waste is accumulated in tank systems, the generator complies with sections 66265.190 through 66265.200, except 66265.197(c) of this division; and
  - d. where hazardous waste is accumulated in containers, the generator complies with sections 66265.170 through 66265.177 of this division; and
  - e. where hazardous waste is accumulated on drip pads, the generator complies with sections 66265.440 through 66265.445 of this division; and
  - f. where hazardous waste is accumulated in containment buildings, the generator complies with sections 66265.1100 through 66265.1102 of this division; and
  - g. hazardous waste will be managed in accordance with all requirements of chapters 14

and 15 of this Division applicable to generators, except those specifically excluded elsewhere in this section. 2. Name, mailing address, and telephone number of the generator or the facility owner or operator. 3. Generator or the facility owner/operator name and address or legal description of the site location, and EPA ID number. 4. A detailed explanation of why the extension is needed. This shall include at a minimum: a description of the hazardous wastestream(s) for which the extension is being requested, the maximum quantity to be stored over the applicable time limits specified in section 66262.16(b) or 66262.17(a), an explanation of how the wastestream is generated, and the start and end dates of the 90-day extension period. (B) All generators authorized by the Department with a permit, Standardized Permit, or grant of Interim Status shall simultaneously submit to the Department a copy of the letter submitted to the CUPA, or, if there is no CUPA, to the agency authorized pursuant to subdivision (f) of HSC Section 25404.3. The letter shall certify that the eligibility requirements and the conditions for the extension are met and that the hazardous waste will be managed in accordance with the applicable requirements of Title 22. (C) Upon request by a CUPA, or the authorized officer or agency, the generator shall provide all documents, operating logs, reports, or any other information that supports the claim of necessity for the extension or relates to the management of the hazardous waste for which the extension is requested.

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  - d. where hazardous waste is accumulated in containers, the generator complies with sections 66265.170 through 66265.177 of this division; and
  - e. where hazardous waste is accumulated on drip pads, the generator complies with sections 66265.440 through 66265.445 of this division; and
  - f. where hazardous waste is accumulated in containment buildings, the generator complies with sections 66265.1100 through 66265.1102 of this division; and
  - g. hazardous waste will be managed in accordance with all requirements of chapters 14 and 15 of this Division applicable to generators, except those specifically excluded elsewhere in this section.
2. Name, mailing address, and telephone number of the generator or the facility owner or operator.
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**2.**

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Generator or the facility owner/operator name and address or legal description of the site location, and EPA ID number.

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All generators authorized by the Department with a permit, Standardized Permit, or grant of Interim Status shall simultaneously submit to the Department a copy of the letter submitted to the CUPA, or, if there is no CUPA, to the agency authorized pursuant to subdivision (f) of HSC Section 25404.3. The letter shall certify that the eligibility requirements and the conditions for the extension are met and that the hazardous waste will be managed in accordance with the applicable requirements of Title 22.

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Upon request by a CUPA, or the authorized officer or agency, the generator shall provide all documents, operating logs, reports, or any other information that supports the claim of necessity for the extension or relates to the management of the hazardous waste for which the extension is requested.

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One or more 90-day extension(s) may be granted at the discretion of the CUPA, or if no CUPA then at the discretion of the authorized officer or agency in that jurisdiction, on a

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The hazardous waste is not accumulated in waste piles;

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The generator meets one of the following circumstances: 1. There is a lack of offsite treatment capacity, offsite disposal capacity, or a treatment process for the generator's hazardous waste. The generator must submit documentation to the CUPA, or if no CUPA then to the authorized officer or agency in that jurisdiction, verifying attempts to locate an appropriate offsite treatment or disposal facility for the hazardous waste and list the names, addresses, and phone numbers of all the disposal and or treatment facilities that have been contacted. 2. Longer accumulation time is needed by the generator to treat its hazardous waste onsite. The speculative accumulation of hazardous waste is not sufficient reason for an extension. 3. An extension is needed because the onsite cleanup activity requires longer accumulation time (e.g., delays in clean up due to weather conditions). 4. An extension is needed because there was an emergency (e.g., mechanical failure, fire, etc.) at the business. 5. Generators that have already qualified for one 90-day extension beyond the applicable time specified in section 66262.16(b) or 66262.17(a) under section (a)(1)(A) above, but still require more time due to unforeseeable, temporary, and uncontrollable circumstances. 6.

Other good cause as determined by the CUPA, or if no CUPA then by the authorized officer or agency in that jurisdiction.

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There is a lack of offsite treatment capacity, offsite disposal capacity, or a treatment process for the generator's hazardous waste. The generator must submit documentation to the CUPA, or if no CUPA then to the authorized officer or agency in that jurisdiction, verifying attempts to locate an appropriate offsite treatment or disposal facility for the hazardous waste and list the names, addresses, and phone numbers of all the disposal and or treatment facilities that have been contacted.

**2.**

Longer accumulation time is needed by the generator to treat its hazardous waste onsite. The speculative accumulation of hazardous waste is not sufficient reason for an extension.

**3.**

An extension is needed because the onsite cleanup activity requires longer accumulation time (e.g., delays in clean up due to weather conditions).

**4.**

An extension is needed because there was an emergency (e.g., mechanical failure, fire, etc.) at the business.

**5.**

Generators that have already qualified for one 90-day extension beyond the applicable time specified in section 66262.16(b) or 66262.17(a) under section (a)(1)(A) above, but still require more time due to unforeseeable, temporary, and uncontrollable circumstances.

**6.**

Other good cause as determined by the CUPA, or if no CUPA then by the authorized officer or agency in that jurisdiction.

**(D)**

Upon request by a CUPA, or if no CUPA then by the authorized officer or agency in that jurisdiction, the generator shall provide all documents, operating logs, reports, or any other information that supports the claim of necessity for the extension or relates to the management of the hazardous waste for which the extension is requested.

**(3)**

In the event of a disaster, the Department may grant an emergency waiver allowing a 90-day extension to the generators within the geographic location of the disaster if the following conditions are met: (A) The hazardous waste must be accumulated in tank systems that comply with the technical standards of Title 22, CCR, chapter 15, article 10, or containers that comply with the technical standards of Title 22, CCR, chapter 15, article 9, or placed on drip pads and the generator complies with Title 22, CCR, chapter 15, article 17.5, or placed in containment buildings and the generator complies with article 29 of chapter 15 of Title 22, CCR. Hazardous waste accumulated in waste piles shall not be eligible for this extension. (B) The emergency waiver shall only be activated when there has been a proclamation of a state of emergency by the federal, state, or local government for the geographic location (e.g., city or county). (C) The Department shall issue a press release specifying which particular geographic location (e.g., city, county) will be granted an emergency waiver. (D) The Department may further extend the effective period of the emergency waiver, as necessary, to assist the recovery process from the disaster. This extension shall also be announced through a press release. (E) Upon request by the Department, a CUPA, or if no CUPA then by the authorized officer or agency in that jurisdiction, the generator shall provide all documents, operating logs, reports, or any other information that supports the claim of necessity for the extension or relates to the management of the hazardous waste for which the extension is requested.

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The hazardous waste must be accumulated in tank systems that comply with the technical standards of Title 22, CCR, chapter 15, article 10, or containers that comply with the technical standards of Title 22, CCR, chapter 15, article 9, or placed on drip pads and the generator complies with Title 22, CCR, chapter 15, article 17.5, or placed in containment buildings and the generator complies with article 29 of chapter 15 of Title 22, CCR.

Hazardous waste accumulated in waste piles shall not be eligible for this extension.

**(B)**

The emergency waiver shall only be activated when there has been a proclamation of a state of emergency by the federal, state, or local government for the geographic location (e.g., city or county).

**(C)**

The Department shall issue a press release specifying which particular geographic location (e.g., city, county) will be granted an emergency waiver.

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The Department may further extend the effective period of the emergency waiver, as necessary, to assist the recovery process from the disaster. This extension shall also be announced through a press release.

**(E)**

Upon request by the Department, a CUPA, or if no CUPA then by the authorized officer or agency in that jurisdiction, the generator shall provide all documents, operating logs, reports, or any other information that supports the claim of necessity for the extension or relates to the management of the hazardous waste for which the extension is requested.