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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 13@ Standards Applicable to Transporters of Hazardous Waste

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Article 4@ Regulatory Exemptions for Certain Transportation Operations

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Section 66263.41@ General Requirements

66263.41 General Requirements

(a)

A transporter shall not transport hazardous waste under the provisions of this article without being registered with the Department.

(b)

A transporter who is granted a variance under the provisions of this article is exempt from the requirements of Health and Safety Code, sections 25160, 25168.1 and 25169 regarding the use of the manifest, certification of vehicles and containers, and transporter insurance and from the requirements of this division adopted pursuant to those sections. In lieu of those requirements, the requirements of this article shall apply.

(c)

The hazardous waste shall be transported in accordance with the regulations of the Department of California Highway Patrol (title 13, California Code of Regulations, article 3, commencing with section 1160, subchapter 6, chapter 2), the federal rules of the U. S. Department of Transportation (DOT) (Code of Federal Regulations, 49 CFR, Part 172, commencing with section 172.1, and 49 CFR, Part 173, commencing with section 173.1), and the federal rules of the U.S. EPA (40 CFR, Part 263, commencing with section 263.10). This paragraph shall not be construed to exempt the transporter from any other regulation unless expressly stated.

(d)

A transporter who intends to operate under a variance category defined by this article shall apply to the Department by submitting a Transporter Regulatory Exemption Application/Variance form (DTSC Form 1294, Rev. 04/12), provided by the Department, before initiating the operation and at each renewal of their Hazardous Waste Transporter Registration. The application shall be signed by the transporter and shall include the following information: (1) name, mailing address, telephone number, U.S. EPA or State ID number and the Hazardous Waste Transporter Registration Number; (2) the type or types, physical characteristics and chemical composition of hazardous wastes to be transported under each variance; (3) the specific section of this article corresponding to the variance category that best describes the transporter's intended operation(s) during the subsequent year; (4) the estimated quantities of hazardous wastes listed pursuant to subparagraph (2) of this subsection.

(1)

name, mailing address, telephone number, U.S. EPA or State ID number and the Hazardous Waste Transporter Registration Number;

(2)

the type or types, physical characteristics and chemical composition of hazardous wastes to be transported under each variance;

(3)

the specific section of this article corresponding to the variance category that best describes the transporter's intended operation(s) during the subsequent year;

(4)

the estimated quantities of hazardous wastes listed pursuant to subparagraph (2) of this subsection.

(e)

The Department shall review the application/variance form for completeness and for applicability of the provisions of this article to the intended transportation operation. A variance granted pursuant to this article shall be effective upon completion of the application/variance form by the Department and issuance to the transporter, in accordance with Health and Safety Code section 25143 and California Code of Regulations, Title 22, section 66260.210.

(f)

Any transporter applying for and receiving a variance under this article shall have an exemption from the variance fee prescribed in Health and Safety Code, section 25205.7, subdivision (g), provided such exemption is specifically requested in the application and specifically authorized by the Department.

(g)

The transporter shall send a copy of the variance to the generator prior to operating under the variance to show evidence of authority for such operation.

(h)

An accident report regarding any hazardous waste transported pursuant to this article shall be submitted to the Department by the transporter within 10 days of an incident which results in a spill or release to the environment.

(i)

Failure to comply with any applicable term of this article shall automatically nullify the exemption.