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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 18@ Land Disposal Restrictions

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Article 1@ General

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Section 66268.7@ Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities

66268.7 Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities

(a)

Requirements for generators:(1) A generator of hazardous waste shall determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in article 4 or article 11 of this chapter. This determination can be made concurrently with the hazardous waste determination required in section 66262.11 of this division, in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing would normally determine the total concentration of hazardous constituents, or the concentration of hazardous constituents in an extract of the waste obtained using test method 1311 in "Test Methods of Evaluating Solid Waste, Physical/Chemical Methods," "USEPA Publication SW-846, as referenced in section 66260.11 of this division, depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste's extract. Alternatively, the generator may send the waste directly to a hazardous waste treatment facility, where the hazardous waste treatment facility shall comply with all requirements of section 66264.13 of this division and paragraph (b) of this section. In addition, some hazardous wastes shall be treated by

particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in section 66268.40, and are described in detail in section 66268.42, Table 1. These wastes, and soils contaminated with such wastes, do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards would have to be tested). If a generator determines they are managing a waste or soil contaminated with a waste, that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, they shall comply with the special requirements of section 66268.9 of this chapter in addition to any applicable requirements in this section. (2) Except as provided in subsection (B), if the waste or contaminated soil does not meet the treatment standard or if the generator chooses not to make the determination of how its waste shall be treated, with the initial shipment of waste to each treatment or storage facility, the generator shall send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the file. The notice shall include the information in column "66268.7(a)(2)" of the Generator Paperwork Requirements Table in section 66268.7(a)(4).

Alternatively, if the generator chooses not to make the determination of whether the waste shall be treated, the notification shall include the EPA Hazardous Waste Numbers and Manifest Number of the first shipment and shall state "This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility shall then make the appropriate determination." No further notification is necessary until such time that the waste or facility change, in which case a new notification shall be sent and a copy placed in the generator's file. (A) For contaminated soil, the following certification statement should be included, signed by an authorized representative: I certify under penalty of law that I

personally have examined this contaminated soil and it [does/does not] contain listed hazardous waste and [does/does not] exhibit a characteristic of hazardous waste and requires treatment to meet the soil treatment standards as provided by section 66268.49(c). (B) If a generator determines that the generator is managing a restricted waste under section 66268.29 or prohibited waste under section 66268.32 and the waste does not meet the applicable treatment standards set forth in article 11 of this chapter, with each shipment of waste the generator shall notify the receiving facility in writing only if the receiving facility is a land disposal facility operating within California. The notice shall include the following information: 1. Non-RCRA hazardous waste Category listed in section 66268.29, if applicable; 2. the manifest number associated with the shipment of waste; and 3. waste analysis data, where available. (3) If the waste or contaminated soil meets the treatment standard at the original point of generation: (A) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator shall send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in the file. The notice shall include the information indicated in column "66268.7(a)(3)" of the Generator Paperwork Requirements Table in section 66268.7(a)(4) and the following certification statement, signed by an authorized representative: I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in CCR, Title 22, division 4.5, chapter 18, article 4. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment. (B) For contaminated soil,

with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator shall send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice shall include the information in "66268.7(a)(3)" of the Generator Paperwork Requirements Table in section 66268.7(a)(4). (C) If the waste changes, the generator shall send a new notice and certification to the receiving facility, and place a copy in their files. Generators of hazardous debris excluded from the definition of hazardous waste under section 66261.3(e) are not subject to these requirements. (D) If a generator determines that the generator is managing a restricted waste under section 66268.29 and subject to applicable treatment standards set forth in article 11 of this chapter or prohibited under section 66268.32 and determines that the waste can be land disposed without further treatment, with each shipment of waste the generator shall submit to the receiving facility a notice and a certification stating that the waste meets the applicable treatment standards set forth in article 11 of this chapter or the applicable prohibitions set forth in section 66268.32, only if the receiving facility is a land disposal facility operating within California. The notice shall include the following information: 1. Non-RCRA hazardous waste Category listed in section 66268.29, if applicable; 2. the manifest number associated with the shipment of waste; and 3. waste analysis data, where available. The certification shall state: I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in CCR, Title 22, division 4.5, chapter 18, article 11 [or all applicable prohibitions in section 66268.32]. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of

a fine and imprisonment. (4) For reporting, tracking, and recordkeeping when exceptions allow certain wastes or contaminated soil that do not meet the treatment standards to be land disposed: There are certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before they can be land disposed. These include, but are not limited to case-by-case extensions under section 66268.5, disposal in a no-migration unit under section 66268.6, or a national capacity variance or case-by-case capacity variance under article 3 of this chapter. If a generator's waste is so exempt, then with the initial shipment of waste, the generator shall send a one-time written notice to each land disposal facility receiving the waste. The notice shall include the information indicated in column "66268.7(a)(4)" of the Generator Paperwork Requirements Table in this subsection. If the waste changes, the generator shall send a new notice to the receiving facility, and place a copy in their files.

Generator Paperwork Requirements Table Required Information § 66268.7(a)(2) §

66268.7(a)(3) § 66268.7(a)(4) § 66268.7(a)(9) 1. EPA Hazardous Waste Numbers and Manifest Number of first shipment [TICK][TICK][TICK][TICK] 2. Statement: this

waste is not prohibited from land disposal [TICK] 3. The waste is subject to the LDRs. The constituents of concern for F001-F005, and F039, and underlying hazardous constituents in RCRA characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice. [TICK][TICK] 4.

The notice shall include the applicable wastewater/nonwastewater category (see section 66260.10) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide) [TICK][TICK] 5. Waste

analysis data (when available) [TICK][TICK][TICK] 6. Date the waste is subject

to the prohibition [TICK] 7. For hazardous debris, when treating with the

alternative treatment technologies provided by section 66268.45: the contaminants subject to treatment, as described in section 66268.45(b); and an indication that these contaminants are being treated to comply with section 66268.45 [TICK] [TICK]

8. For contaminated soil subject to LDRs as provided in section 66268.49(a), the constituents subject to treatment as described in section 66268.49(d), and the following statement: This contaminated soil [does/does not] contain listed hazardous waste and [does/does not] exhibit a characteristic of hazardous waste and [is subject to/complies with] the soil treatment standards as provided by section 66268.49(c) or the universal treatment standards.[TICK][TICK]

9. A certification is needed (see applicable section for exact wording) [TICK] [TICK]

(5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under section 66262.15, 66262.16 or 66262.17 to meet applicable LDR treatment standards found at section 66268.40, the generator shall develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table 1, section 66268.45, however, are not subject to these waste analysis requirements.) The plan shall be kept on site in the generator's records, and the following requirements shall be met: (A) The waste analysis plan shall be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this chapter, including the selected testing frequency. (B) Such plan shall be kept in the facility's on-site files and made available to inspectors. (C) Wastes shipped off-site pursuant to this subsection shall comply with the notification requirements of section

66268.7(a)(3). (6) If a generator determines that the waste or contaminated soil is restricted based solely on the generator's knowledge of the waste, all supporting data used to make this determination shall be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using the test method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, as referenced in section 66260.11 of this division, and all waste analysis data shall be retained on-site in the generator's files. (7) If a generator determines that the generator is managing a prohibited waste that is excluded from the definition of hazardous waste or waste or is exempted from hazardous waste regulation under CCR, Title 22, Chapter 11, section 66261.2 through 66261.6 or under the Health and Safety Code subsequent to the point of generation (including deactivated characteristic hazardous wastes managed in wastewater treatment systems subject to the federal Clean Water Act (CWA) as specified at CCR, Title 22, section 66261.4(a)(1) or that are federal CWA-equivalent, or are managed in an underground injection well regulated by the federal SDWA), the generator shall place a one-time notice describing such generation, subsequent exclusion from the definition of hazardous waste or waste or exemption from hazardous waste regulation, and the disposition of the waste, in the facility's on-site files. (8) Generators shall retain on-site a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this section for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department. The requirements of this

subsection apply to wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous waste or waste under CCR, Title 22, sections 66261.2 through 66261.6 or under Health and Safety Code, or exempted from hazardous waste regulation, subsequent to the point of generation. (9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at section 66268.42(c): (A) With the initial shipment of waste to a treatment facility, the generator shall submit a notice that provides the information in column "66268.7(a)(9)" in the Generator Paperwork Requirements Table of subsection (a)(4) of this section, and the following certification. The certification, which shall be signed by an authorized representative and shall be placed in the generator's files, shall say the following:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under appendix IV to CCR, Title 22, division 4.5, chapter 18 and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs under CCR, Title 22, division 4.5, chapter 18, section 66268.42(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment. (B) No further notification is necessary until such time that the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification shall be sent and a copy placed in the generator's file. (C) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in section 66260.10) need not be determined. (D) The generator shall also comply with the requirements in subsections (a)(6) and (a)(7) of this section. (10) Small quantity generators of

RCRA hazardous wastes with reclamation agreements established pursuant to the requirements of title 40 of the Code of Federal Regulations, section 262.20(e) and 263.20(h), as of those sections read on July 1, 2001, shall comply with the applicable notification and certification requirements of subsection (a) of this section for the initial shipment of the waste subject to the agreement. Such generators must retain on-site a copy of the notification and certification, together with the reclamation agreement, for at least three years after termination or expiration of the agreement. The three-year retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department. (11) If a generator determines that restricted asbestos-containing waste is being managed and that the waste can be land disposed without further treatment, with each shipment of waste, the generator shall submit to the receiving facility, a notice and a certification stating that the waste meets the applicable treatment standards set forth in section 66268.114, only if the receiving facility is a land disposal facility operating within California. Such generators shall retain a copy of the notification and certification at their principal place of business in California for at least three years. The three year period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department. Generators who have been assigned by the Department the EPA identification number for residential for asbestos-containing waste or a 90-day one time provisional EPA identification number for asbestos-containing waste are exempted from subsections (A) and (B) below. (A) The notice shall include the following information: 1. The California Waste Code for asbestos-containing waste; 2. The corresponding treatment standard; 3. The manifest number associated with the shipment of waste; (B) The certification

shall be signed by an authorized representative and shall state the following: "I warrant that I am an authorized representative of the generator. I certify under penalty of law that the waste complies with the treatment standards specified in CCR, Title 22, Division 4.5, Chapter 18, section 66268.114. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment." And including the following information: 1. Generator's Name; 2. Generator's Address; 3. Authorized Representative Printed Name; 4. Authorized Representative Signature and; 5. Date.

(1)

A generator of hazardous waste shall determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in article 4 or article 11 of this chapter. This determination can be made concurrently with the hazardous waste determination required in section 66262.11 of this division, in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing would normally determine the total concentration of hazardous constituents, or the concentration of hazardous constituents in an extract of the waste obtained using test method 1311 in "Test Methods of Evaluating Solid Waste, Physical/Chemical Methods," "USEPA Publication SW-846, as referenced in section 66260.11 of this division, depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste's extract. Alternatively, the generator may send the waste directly to a hazardous waste treatment facility, where the hazardous waste treatment facility shall comply with all requirements of section 66264.13 of this division and paragraph (b) of this section. In addition, some hazardous wastes shall be treated by particular treatment methods before they can be land disposed and some

soils are contaminated by such hazardous wastes. These treatment standards are also found in section 66268.40, and are described in detail in section 66268.42, Table 1. These wastes, and soils contaminated with such wastes, do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards would have to be tested). If a generator determines they are managing a waste or soil contaminated with a waste, that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, they shall comply with the special requirements of section 66268.9 of this chapter in addition to any applicable requirements in this section.

(2)

Except as provided in subsection (B), if the waste or contaminated soil does not meet the treatment standard or if the generator chooses not to make the determination of how its waste shall be treated, with the initial shipment of waste to each treatment or storage facility, the generator shall send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the file. The notice shall include the information in column "66268.7(a)(2)" of the Generator Paperwork Requirements Table in section 66268.7(a)(4). Alternatively, if the generator chooses not to make the determination of whether the waste shall be treated, the notification shall include the EPA Hazardous Waste Numbers and Manifest Number of the first shipment and shall state "This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility shall then make the appropriate determination." No further notification is necessary until such time that the waste or facility change, in which case a new notification shall be sent and a copy placed in the generator's file. (A) For contaminated soil, the following certification statement should be included, signed by an authorized representative: I certify under penalty of law that I personally have examined this contaminated soil and it [does/does not] contain

listed hazardous waste and [does/does not] exhibit a characteristic of hazardous waste and requires treatment to meet the soil treatment standards as provided by section 66268.49(c). (B) If a generator determines that the generator is managing a restricted waste under section 66268.29 or prohibited waste under section 66268.32 and the waste does not meet the applicable treatment standards set forth in article 11 of this chapter, with each shipment of waste the generator shall notify the receiving facility in writing only if the receiving facility is a land disposal facility operating within California. The notice shall include the following information: 1. Non-RCRA hazardous waste Category listed in section 66268.29, if applicable; 2. the manifest number associated with the shipment of waste; and 3. waste analysis data, where available.

(A)

For contaminated soil, the following certification statement should be included, signed by an authorized representative: I certify under penalty of law that I personally have examined this contaminated soil and it [does/does not] contain listed hazardous waste and [does/does not] exhibit a characteristic of hazardous waste and requires treatment to meet the soil treatment standards as provided by section 66268.49(c).

(B)

If a generator determines that the generator is managing a restricted waste under section 66268.29 or prohibited waste under section 66268.32 and the waste does not meet the applicable treatment standards set forth in article 11 of this chapter, with each shipment of waste the generator shall notify the receiving facility in writing only if the receiving facility is a land disposal facility operating within California. The notice shall include the following information: 1. Non-RCRA hazardous waste Category listed in section 66268.29, if applicable; 2. the manifest number associated with the shipment of waste; and 3. waste analysis data, where available.

1.

Non-RCRA hazardous waste Category listed in section 66268.29, if applicable;

2.

the manifest number associated with the shipment of waste; and

3.

waste analysis data, where available.

(3)

If the waste or contaminated soil meets the treatment standard at the original point of generation: (A) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator shall send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in the file. The notice shall include the information indicated in column "66268.7(a)(3)" of the Generator Paperwork Requirements Table in section 66268.7(a)(4) and the following certification statement, signed by an authorized representative: I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in CCR, Title 22, division 4.5, chapter 18, article 4. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment. (B) For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator shall send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice shall include the information in "66268.7(a)(3)" of the Generator Paperwork Requirements Table in section 66268.7(a)(4). (C) If the waste changes, the generator shall send a new notice and certification to the receiving facility, and place a copy in their files. Generators of hazardous debris excluded from the definition of hazardous waste under section

66261.3(e) are not subject to these requirements. (D) If a generator determines that the generator is managing a restricted waste under section 66268.29 and subject to applicable treatment standards set forth in article 11 of this chapter or prohibited under section 66268.32 and determines that the waste can be land disposed without further treatment, with each shipment of waste the generator shall submit to the receiving facility a notice and a certification stating that the waste meets the applicable treatment standards set forth in article 11 of this chapter or the applicable prohibitions set forth in section 66268.32, only if the receiving facility is a land disposal facility operating within California. The notice shall include the following information:1.

Non-RCRA hazardous waste Category listed in section 66268.29, if applicable; 2. the manifest number associated with the shipment of waste; and 3. waste analysis data, where available. The certification shall state: I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in CCR, Title 22, division 4.5, chapter 18, article 11 [or all applicable prohibitions in section 66268.32] . I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

(A)

With the initial shipment of waste to each treatment, storage, or disposal facility, the generator shall send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in the file. The notice shall include the information indicated in column "66268.7(a)(3)" of the Generator Paperwork Requirements Table in section 66268.7(a)(4) and the following certification statement, signed by an authorized representative: I certify under penalty of law that I personally have examined and am

familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in CCR, Title 22, division 4.5, chapter 18, article 4. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

(B)

For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator shall send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice shall include the information in "66268.7(a)(3)" of the Generator Paperwork Requirements Table in section 66268.7(a)(4).

(C)

If the waste changes, the generator shall send a new notice and certification to the receiving facility, and place a copy in their files. Generators of hazardous debris excluded from the definition of hazardous waste under section 66261.3(e) are not subject to these requirements.

(D)

If a generator determines that the generator is managing a restricted waste under section 66268.29 and subject to applicable treatment standards set forth in article 11 of this chapter or prohibited under section 66268.32 and determines that the waste can be land disposed without further treatment, with each shipment of waste the generator shall submit to the receiving facility a notice and a certification stating that the waste meets the applicable treatment standards set forth in article 11 of this chapter or the applicable prohibitions set forth in section 66268.32, only if the receiving facility is a land disposal facility operating within California. The notice shall include the following information: 1. Non-RCRA hazardous waste Category listed in section 66268.29, if applicable; 2. the manifest number associated with the shipment of waste; and 3. waste analysis data, where available. The certification

shall state: I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in CCR, Title 22, division 4.5, chapter 18, article 11 [or all applicable prohibitions in section 66268.32] . I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

1.

Non-RCRA hazardous waste Category listed in section 66268.29, if applicable;

2.

the manifest number associated with the shipment of waste; and

3.

waste analysis data, where available. The certification shall state: I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in CCR, Title 22, division 4.5, chapter 18, article 11 [or all applicable prohibitions in section 66268.32] . I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

(4)

For reporting, tracking, and recordkeeping when exceptions allow certain wastes or contaminated soil that do not meet the treatment standards to be land disposed: There are certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before they can be land disposed. These include, but are not limited to case-by-case extensions under section 66268.5, disposal in a no-migration unit under section 66268.6, or a national capacity variance or

case-by-case capacity variance under article 3 of this chapter. If a generator's waste is so exempt, then with the initial shipment of waste, the generator shall send a one-time written notice to each land disposal facility receiving the waste. The notice shall include the information indicated in column "66268.7(a)(4)" of the Generator Paperwork Requirements Table in this subsection. If the waste changes, the generator shall send a new notice to the receiving facility, and place a copy in their files. Generator Paperwork Requirements Table Required Information § 66268.7(a)(2) § 66268.7(a)(3) § 66268.7(a)(4) § 66268.7(a)(9)

1. EPA Hazardous Waste Numbers and Manifest Number of first shipment [TICK] [TICK] [TICK] [TICK]
2. Statement: this waste is not prohibited from land disposal [TICK]
3. The waste is subject to the LDRs. The constituents of concern for F001-F005, and F039, and underlying hazardous constituents in RCRA characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice. [TICK] [TICK]
4. The notice shall include the applicable wastewater/nonwastewater category (see section 66260.10) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide) [TICK] [TICK]
5. Waste analysis data (when available) [TICK] [TICK] [TICK]
6. Date the waste is subject to the prohibition [TICK]
7. For hazardous debris, when treating with the alternative treatment technologies provided by section 66268.45: the contaminants subject to treatment, as described in section 66268.45(b); and an indication that these contaminants are being treated to comply with section 66268.45 [TICK] [TICK]
8. For contaminated soil subject to LDRs as provided in section 66268.49(a), the constituents subject to treatment as described in section 66268.49(d), and the following statement: This contaminated soil [does/does not] contain listed hazardous waste and [does/does not] exhibit a characteristic of hazardous waste and [is subject to/complies with] the soil treatment standards as provided by

section 66268.49(c) or the universal treatment standards.[TICK][TICK] 9. A certification is needed (see applicable section for exact wording) [TICK] [TICK]

(5)

If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under section 66262.15, 66262.16 or 66262.17 to meet applicable LDR treatment standards found at section 66268.40, the generator shall develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table 1, section 66268.45, however, are not subject to these waste analysis requirements.) The plan shall be kept on site in the generator's records, and the following requirements shall be met: (A) The waste analysis plan shall be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this chapter, including the selected testing frequency. (B) Such plan shall be kept in the facility's on-site files and made available to inspectors. (C) Wastes shipped off-site pursuant to this subsection shall comply with the notification requirements of section 66268.7(a)(3).

(A)

The waste analysis plan shall be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this chapter, including the selected testing frequency.

(B)

Such plan shall be kept in the facility's on-site files and made available to inspectors.

(C)

Wastes shipped off-site pursuant to this subsection shall comply with the notification requirements of section 66268.7(a)(3).

(6)

If a generator determines that the waste or contaminated soil is restricted based solely on the generator's knowledge of the waste, all supporting data used to make this determination shall be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using the test method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, as referenced in section 66260.11 of this division, and all waste analysis data shall be retained on-site in the generator's files.

(7)

If a generator determines that the generator is managing a prohibited waste that is excluded from the definition of hazardous waste or waste or is exempted from hazardous waste regulation under CCR, Title 22, Chapter 11, section 66261.2 through 66261.6 or under the Health and Safety Code subsequent to the point of generation (including deactivated characteristic hazardous wastes managed in wastewater treatment systems subject to the federal Clean Water Act (CWA) as specified at CCR, Title 22, section 66261.4(a)(1) or that are federal CWA-equivalent, or are managed in an underground injection well regulated by the federal SDWA), the generator shall place a one-time notice describing such generation, subsequent exclusion from the definition of hazardous waste or waste or exemption from hazardous waste regulation, and the disposition of the waste, in the facility's on-site files.

(8)

Generators shall retain on-site a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this section for at least three years

from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department. The requirements of this subsection apply to wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous waste or waste under CCR, Title 22, sections 66261.2 through 66261.6 or under Health and Safety Code, or exempted from hazardous waste regulation, subsequent to the point of generation.

(9)

If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at section 66268.42(c): (A) With the initial shipment of waste to a treatment facility, the generator shall submit a notice that provides the information in column "66268.7(a)(9)" in the Generator Paperwork Requirements Table of subsection (a)(4) of this section, and the following certification. The certification, which shall be signed by an authorized representative and shall be placed in the generator's files, shall say the following: I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under appendix IV to CCR, Title 22, division 4.5, chapter 18 and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs under CCR, Title 22, division 4.5, chapter 18, section 66268.42(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment. (B) No further notification is necessary until such time that the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification shall be sent and a copy placed in the generator's

file. (C) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in section 66260.10) need not be determined. (D) The generator shall also comply with the requirements in subsections (a)(6) and (a)(7) of this section.

(A)

With the initial shipment of waste to a treatment facility, the generator shall submit a notice that provides the information in column "66268.7(a)(9)" in the Generator Paperwork Requirements Table of subsection (a)(4) of this section, and the following certification. The certification, which shall be signed by an authorized representative and shall be placed in the generator's files, shall say the following: I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under appendix IV to CCR, Title 22, division 4.5, chapter 18 and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs under CCR, Title 22, division 4.5, chapter 18, section 66268.42(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

(B)

No further notification is necessary until such time that the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification shall be sent and a copy placed in the generator's file.

(C)

If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in section 66260.10) need not be determined.

(D)

The generator shall also comply with the requirements in subsections (a)(6) and (a)(7) of this section.

(10)

Small quantity generators of RCRA hazardous wastes with reclamation agreements established pursuant to the requirements of title 40 of the Code of Federal Regulations, section 262.20(e) and 263.20(h), as of those sections read on July 1, 2001, shall comply with the applicable notification and certification requirements of subsection (a) of this section for the initial shipment of the waste subject to the agreement. Such generators must retain on-site a copy of the notification and certification, together with the reclamation agreement, for at least three years after termination or expiration of the agreement. The three-year retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department.

(11)

If a generator determines that restricted asbestos-containing waste is being managed and that the waste can be land disposed without further treatment, with each shipment of waste, the generator shall submit to the receiving facility, a notice and a certification stating that the waste meets the applicable treatment standards set forth in section 66268.114, only if the receiving facility is a land disposal facility operating within California. Such generators shall retain a copy of the notification and certification at their principal place of business in California for at least three years. The three year period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department. Generators who have been assigned by the Department the EPA identification number for residentially generated asbestos-containing waste or a 90-day one time provisional EPA identification number for asbestos-containing waste are exempted from subsections (A) and (B) below. (A) The notice shall include the following information: 1. The California Waste Code for asbestos-containing waste; 2. The corresponding treatment standard;

3. The manifest number associated with the shipment of waste; (B) The certification shall be signed by an authorized representative and shall state the following: "I warrant that I am an authorized representative of the generator. I certify under penalty of law that the waste complies with the treatment standards specified in CCR, Title 22, Division 4.5, Chapter 18, section 66268.114. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment." And including the following information: 1. Generator's Name; 2. Generator's Address; 3. Authorized Representative Printed Name; 4. Authorized Representative Signature and; 5. Date.

(A)

The notice shall include the following information: 1. The California Waste Code for asbestos-containing waste; 2. The corresponding treatment standard; 3. The manifest number associated with the shipment of waste;

1.

The California Waste Code for asbestos-containing waste;

2.

The corresponding treatment standard;

3.

The manifest number associated with the shipment of waste;

(B)

The certification shall be signed by an authorized representative and shall state the following:

"I warrant that I am an authorized representative of the generator. I certify under penalty of law that the waste complies with the treatment standards specified in CCR, Title 22, Division 4.5, Chapter 18, section 66268.114. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false

certification, including the possibility of a fine and imprisonment." And including the following information: 1. Generator's Name; 2. Generator's Address; 3. Authorized Representative Printed Name; 4. Authorized Representative Signature and; 5. Date.

1.

Generator's Name;

2.

Generator's Address;

3.

Authorized Representative Printed Name;

4.

Authorized Representative Signature and;

5.

Date.

(b)

Treatment facilities shall test their wastes according to the frequency specified in their waste analysis plans as required by section 66264.13 (for permitted TSDs) or section 66265.13 (for interim status facilities). Such testing shall be performed as provided in subsections (b)(1), (b)(2) and (b)(3) of this section.(1) For wastes or contaminated soil with treatment standards expressed in the waste extract (TCLP), the owner or operator of the treatment facility shall test an extract of the treatment residues, using test method 1311 (the Toxicity Characteristic Leaching Procedure, described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846 as incorporated by reference in section 66260.11 of this division) or the test method specified in section 66268.106 to assure that the treatment residues extract meet the applicable treatment standards. (2) For wastes or contaminated soil with

treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that they meet the applicable treatment standards. (3) A one-time notice shall be sent with the initial shipment of waste or contaminated soil to the land disposal facility. A copy of the notice shall be placed in the treatment facility's file. (A) No further notification is necessary until such time that the waste or receiving facility change, in which case a new notice shall be sent and a copy placed in the treatment facility's file. (B) The one-time notice shall include these requirements: Treatment Facility Paperwork Requirements Table Required Information § 66268.7(b)

1. EPA Hazardous Waste Numbers and Manifest Number of first shipment.[TICK]
2. The waste is subject to the LDRs. The constituents of concern for F001-F005, and F039, and underlying hazardous constituents in RCRA characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice.[TICK]
3. The notice shall include the applicable wastewater/nonwastewater category (see section 66260.10) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide)[TICK]
4. Waste analysis data (when available)[TICK]
5. For contaminated soil subject to LDRs as provided in section 66268.49(a), the constituents subject to treatment as described in section 66268.49(d), and the following statement, "this contaminated soil [does/does not] contain listed hazardous waste and [does/does not] exhibit characteristic of hazardous waste and [is subject to/complies with] the soil treatment standards as provided by section 66268.49(c).[TICK]
6. A certification is needed (see applicable section for exact wording)[TICK]

(4) The treatment facility shall submit a one-time certification signed by an authorized representative with the initial

shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification shall state: I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with treatment standards specified in CCR, Title 22, division 4.5, section 66268.40 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. A certification is also necessary for contaminated soil and it shall state: I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in CCR, Title 22, division 4.5, section 66268.49 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (A) A copy of the certification shall be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification shall be sent to the receiving facility, and a copy placed in the file. (B) Debris excluded from the definition of hazardous waste under section 66261.3(e) of this division (i.e., debris treated by an extraction or destruction technology provided by Table 1, section 66268.45, and debris that the Department has determined does not contain hazardous waste), however, is subject to the notification and certification requirements of subsection (d) of this section rather than the certification requirements of this subsection. (C) For wastes with

organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in whole or in part on the analytical detection limit alternative specified in section 66268.40(d), the certification, signed by an authorized representative, shall state the following: I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in section 66268.42, Table 1. I have been unable to detect the nonwastewater organic constituents, despite having used best good-faith efforts to analyze for such constituents. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (D) For RCRA characteristic wastes that are subject to the treatment standards in section 66268.40 (other than those expressed as a method of treatment), or section 66268.49 and, that contain underlying hazardous constituents as defined in section 66260.10; if these wastes are treated on-site to remove the hazardous characteristic; and are then sent off-site for treatment of underlying hazardous constituents, the certification shall state the following: I certify under penalty of law that the waste has been treated in accordance with the requirements of CCR, Title 22, division 4.5, section 66268.40 or 66268.49 to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (E) For RCRA characteristic wastes that contain underlying hazardous constituents as defined in section

66260.10 that are treated on-site to remove the hazardous characteristic to treat underlying hazardous constituents to levels in section 66268.48 Universal Treatment Standards, the certification shall state the following: I certify under penalty of law that the waste has been treated in accordance with the requirements of CCR, Title 22, division 4.5, section 66268.40 to remove the hazardous characteristic and that underlying hazardous constituents, as defined in section 66260.10 have been treated on-site to meet the section 66268.48 Universal Treatment Standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

(5) If the waste or treatment residue will be further managed at a different treatment, storage, or disposal facility, the treatment, storage, or disposal facility sending the waste or treatment residue off-site shall comply with the notice and certification requirements applicable to generators under this section. (6) For wastes that are prohibited under section 66268.32 of this chapter but not subject to any treatment standards under article 4 or article 11 of this chapter, the owner or operator of the treatment facility shall test the treatment residues according to the generator testing requirements specified in section 66268.32 to assure that the treatment residues comply with the applicable prohibitions. (7) For restricted waste under section 66268.29 subject to applicable treatment standards set forth in article 11 of this chapter or wastes that are prohibited under section 66268.32 in which the treatment facility determines that the waste can be land disposed without further treatment, with each shipment of waste the treatment facility shall submit to the receiving facility a notice and certification, only if the receiving facility is a land disposal facility operating within California. The notice shall include the following information: (A) Non-RCRA hazardous waste category listed in section 66268.29, if applicable; (B) the manifest number

associated with the shipment of waste; (C) waste analysis data, where available.

The certification shall be signed by an authorized representative and shall state the following: I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with treatment standards specified in CCR, Title 22, division 4.5, chapter 18, article 11 [or all applicable prohibitions in section 66268.32] without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

(1)

For wastes or contaminated soil with treatment standards expressed in the waste extract (TCLP), the owner or operator of the treatment facility shall test an extract of the treatment residues, using test method 1311 (the Toxicity Characteristic Leaching Procedure, described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846 as incorporated by reference in section 66260.11 of this division) or the test method specified in section 66268.106 to assure that the treatment residues extract meet the applicable treatment standards.

(2)

For wastes or contaminated soil with treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that they meet the applicable treatment standards.

(3)

A one-time notice shall be sent with the initial shipment of waste or contaminated soil

to the land disposal facility. A copy of the notice shall be placed in the treatment facility's file. (A) No further notification is necessary until such time that the waste or receiving facility change, in which case a new notice shall be sent and a copy placed in the treatment facility's file. (B) The one-time notice shall include these requirements:

Treatment Facility Paperwork Requirements Table Required Information § 66268.7(b)

1. EPA Hazardous Waste Numbers and Manifest Number of first shipment.[TICK] 2.

The waste is subject to the LDRs. The constituents of concern for F001-F005, and F039, and underlying hazardous constituents in RCRA characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice.[TICK] 3. The notice

shall include the applicable wastewater/nonwastewater category (see section 66260.10) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide)[TICK] 4. Waste analysis data (when available)[TICK]

5. For contaminated soil subject to LDRs as provided in section 66268.49(a), the constituents subject to treatment as described in section 66268.49(d), and the following statement, "this contaminated soil [does/does not] contain listed hazardous waste and [does/does not] exhibit characteristic of hazardous waste and [is subject to/complies with] the soil treatment standards as provided by section 66268.49(c).[TICK] 6. A certification is needed (see applicable section for exact wording)[TICK]

(A)

No further notification is necessary until such time that the waste or receiving facility change, in which case a new notice shall be sent and a copy placed in the treatment facility's file.

(B)

The one-time notice shall include these requirements: Treatment Facility Paperwork

Requirements Table Required Information § 66268.7(b) 1. EPA Hazardous Waste Numbers

and Manifest Number of first shipment.[TICK] 2. The waste is subject to the LDRs. The constituents of concern for F001-F005, and F039, and underlying hazardous constituents in RCRA characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice.[TICK] 3. The notice shall include the applicable wastewater/nonwastewater category (see section 66260.10) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide)[TICK] 4. Waste analysis data (when available)[TICK] 5. For contaminated soil subject to LDRs as provided in section 66268.49(a), the constituents subject to treatment as described in section 66268.49(d), and the following statement, "this contaminated soil [does/does not] contain listed hazardous waste and [does/does not] exhibit characteristic of hazardous waste and [is subject to/complies with] the soil treatment standards as provided by section 66268.49(c).[TICK] 6. A certification is needed (see applicable section for exact wording)[TICK]

(4)

The treatment facility shall submit a one-time certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification shall state: I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with treatment standards specified in CCR, Title 22, division 4.5, section 66268.40 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. A certification is also necessary for contaminated soil and it shall

state: I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in CCR, Title 22, division 4.5, section 66268.49 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (A) A copy of the certification shall be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification shall be sent to the receiving facility, and a copy placed in the file. (B) Debris excluded from the definition of hazardous waste under section 66261.3(e) of this division (i.e., debris treated by an extraction or destruction technology provided by Table 1, section 66268.45, and debris that the Department has determined does not contain hazardous waste), however, is subject to the notification and certification requirements of subsection (d) of this section rather than the certification requirements of this subsection. (C) For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in whole or in part on the analytical detection limit alternative specified in section 66268.40(d), the certification, signed by an authorized representative, shall state the following: I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in section 66268.42, Table 1. I have been unable to detect the nonwastewater organic constituents, despite having used best good-faith efforts to analyze for such constituents. I am aware there are significant penalties for submitting

a false certification, including the possibility of fine and imprisonment. (D) For RCRA characteristic wastes that are subject to the treatment standards in section 66268.40 (other than those expressed as a method of treatment), or section 66268.49 and, that contain underlying hazardous constituents as defined in section 66260.10; if these wastes are treated on-site to remove the hazardous characteristic; and are then sent off-site for treatment of underlying hazardous constituents, the certification shall state the following: I certify under penalty of law that the waste has been treated in accordance with the requirements of CCR, Title 22, division 4.5, section 66268.40 or 66268.49 to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (E) For RCRA characteristic wastes that contain underlying hazardous constituents as defined in section 66260.10 that are treated on-site to remove the hazardous characteristic to treat underlying hazardous constituents to levels in section 66268.48 Universal Treatment Standards, the certification shall state the following: I certify under penalty of law that the waste has been treated in accordance with the requirements of CCR, Title 22, division 4.5, section 66268.40 to remove the hazardous characteristic and that underlying hazardous constituents, as defined in section 66260.10 have been treated on-site to meet the section 66268.48 Universal Treatment Standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

(A)

A copy of the certification shall be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification shall be sent to the receiving facility, and a copy placed in the file.

(B)

Debris excluded from the definition of hazardous waste under section 66261.3(e) of this division (i.e., debris treated by an extraction or destruction technology provided by Table 1, section 66268.45, and debris that the Department has determined does not contain hazardous waste), however, is subject to the notification and certification requirements of subsection (d) of this section rather than the certification requirements of this subsection.

(C)

For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in whole or in part on the analytical detection limit alternative specified in section 66268.40(d), the certification, signed by an authorized representative, shall state the following: I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in section 66268.42, Table 1. I have been unable to detect the nonwastewater organic constituents, despite having used best good-faith efforts to analyze for such constituents. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

(D)

For RCRA characteristic wastes that are subject to the treatment standards in section 66268.40 (other than those expressed as a method of treatment), or section 66268.49 and, that contain underlying hazardous constituents as defined in section 66260.10; if these wastes are treated on-site to remove the hazardous characteristic; and are then sent off-site for treatment of underlying hazardous constituents, the certification shall state the following:

I certify under penalty of law that the waste has been treated in accordance with the

requirements of CCR, Title 22, division 4.5, section 66268.40 or 66268.49 to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

(E)

For RCRA characteristic wastes that contain underlying hazardous constituents as defined in section 66260.10 that are treated on-site to remove the hazardous characteristic to treat underlying hazardous constituents to levels in section 66268.48 Universal Treatment Standards, the certification shall state the following: I certify under penalty of law that the waste has been treated in accordance with the requirements of CCR, Title 22, division 4.5, section 66268.40 to remove the hazardous characteristic and that underlying hazardous constituents, as defined in section 66260.10 have been treated on-site to meet the section 66268.48 Universal Treatment Standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

(5)

If the waste or treatment residue will be further managed at a different treatment, storage, or disposal facility, the treatment, storage, or disposal facility sending the waste or treatment residue off-site shall comply with the notice and certification requirements applicable to generators under this section.

(6)

For wastes that are prohibited under section 66268.32 of this chapter but not subject to any treatment standards under article 4 or article 11 of this chapter, the owner or operator of the treatment facility shall test the treatment residues according to the generator testing requirements specified in section 66268.32 to assure that the treatment residues comply with the applicable prohibitions.

(7)

For restricted waste under section 66268.29 subject to applicable treatment standards set forth in article 11 of this chapter or wastes that are prohibited under section 66268.32 in which the treatment facility determines that the waste can be land disposed without further treatment, with each shipment of waste the treatment facility shall submit to the receiving facility a notice and certification, only if the receiving facility is a land disposal facility operating within California. The notice shall include the following information: (A) Non-RCRA hazardous waste category listed in section 66268.29, if applicable; (B) the manifest number associated with the shipment of waste; (C) waste analysis data, where available. The certification shall be signed by an authorized representative and shall state the following: I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with treatment standards specified in CCR, Title 22, division 4.5, chapter 18, article 11 [or all applicable prohibitions in section 66268.32] without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

(A)

Non-RCRA hazardous waste category listed in section 66268.29, if applicable;

(B)

the manifest number associated with the shipment of waste;

(C)

waste analysis data, where available. The certification shall be signed by an authorized representative and shall state the following: I certify under penalty of law that I have

personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with treatment standards specified in CCR, Title 22, division 4.5, chapter 18, article 11 [or all applicable prohibitions in section 66268.32] without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

(c)

The owner or operator of any land disposal facility disposing any waste subject to restrictions under this chapter shall: (1) have copies of the notice and certifications specified in subsection (a) or (b) of this section; (2) Test the waste, or an extract of the waste or treatment residue developed using test method 1311 (the Toxicity Characteristic Leaching Procedure), described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846 as incorporated by reference in section 66260.11 of this division) or section 66268.106 of this chapter or using any methods required under section 66268.32 of this chapter, to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in article 4 and article 11 of this chapter or the prohibition levels in section 66268.32. Such testing shall be performed according to the frequency specified in the facility's waste analysis plan as required by section 66264.13 or section 66265.13 of this division.

(1)

have copies of the notice and certifications specified in subsection (a) or (b) of this section;

(2)

Test the waste, or an extract of the waste or treatment residue developed using test method 1311 (the Toxicity Characteristic Leaching Procedure), described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846 as incorporated by reference in section 66260.11 of this division) or section 66268.106 of this chapter or using any methods required under section 66268.32 of this chapter, to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in article 4 and article 11 of this chapter or the prohibition levels in section 66268.32. Such testing shall be performed according to the frequency specified in the facility's waste analysis plan as required by section 66264.13 or section 66265.13 of this division.

(d)

Generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under section 66261.3(e) (i.e. debris treated by an extraction or destruction technology provided by Table 1, Section 66268.45, and debris that the Department has determined does not contain hazardous waste are subject to the following notification and certification requirements: (1) A one-time notification, including the following information, shall be submitted to the Department: (A) The name and address of the RCRA Subtitle D facility receiving the treated debris; (B) A description of the hazardous debris as initially generated, including the applicable EPA Hazardous Waste Number(s); and (C) For debris excluded under 66261.3(e)(1), the technology from Table 1, Section 66268.45, used to treat the debris. (2) The notification shall be updated if the debris is shipped to a different facility, and, for debris excluded under section 66261.3(e)(1), if a different type of debris is treated or a different type of technology is used to treat the debris. (3) For debris excluded under section

66261.3(e)(1), the owner or operator of the treatment facility shall document and certify compliance with the treatment standards of Table 1, section 66268.45, as follows: (A) Records shall be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards; (B) Records shall be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and (C) For each shipment of treated debris, a certification of compliance with the treatment standards shall be signed by an authorized representative and placed in the facility's files. The certification shall state the following: "I certify under penalty of law that the debris has been treated in accordance with the requirements of CCR Title 22, division 4.5, chapter 18, section 66268.45. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment."

(1)

A one-time notification, including the following information, shall be submitted to the Department: (A) The name and address of the RCRA Subtitle D facility receiving the treated debris; (B) A description of the hazardous debris as initially generated, including the applicable EPA Hazardous Waste Number(s); and (C) For debris excluded under 66261.3(e)(1), the technology from Table 1, Section 66268.45, used to treat the debris.

(A)

The name and address of the RCRA Subtitle D facility receiving the treated debris;

(B)

A description of the hazardous debris as initially generated, including the applicable EPA Hazardous Waste Number(s); and

(C)

For debris excluded under 66261.3(e)(1), the technology from Table 1, Section 66268.45, used to treat the debris.

(2)

The notification shall be updated if the debris is shipped to a different facility, and, for debris excluded under section 66261.3(e)(1), if a different type of debris is treated or a different type of technology is used to treat the debris.

(3)

For debris excluded under section 66261.3(e)(1), the owner or operator of the treatment facility shall document and certify compliance with the treatment standards of Table 1, section 66268.45, as follows: (A) Records shall be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards; (B) Records shall be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and (C) For each shipment of treated debris, a certification of compliance with the treatment standards shall be signed by an authorized representative and placed in the facility's files. The certification shall state the following: "I certify under penalty of law that the debris has been treated in accordance with the requirements of CCR Title 22, division 4.5, chapter 18, section 66268.45. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment."

(A)

Records shall be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;

(B)

Records shall be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and

(c)

For each shipment of treated debris, a certification of compliance with the treatment standards shall be signed by an authorized representative and placed in the facility's files. The certification shall state the following: "I certify under penalty of law that the debris has been treated in accordance with the requirements of CCR Title 22, division 4.5, chapter 18, section 66268.45. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment."

(e)

Generators and treaters who first receive from the Department a determination that a given contaminated soil subject to LDRs as provided in section 66268.49(a) no longer contains a listed hazardous waste and generators and treaters who first determine that a contaminated soil subject to LDRs as provided in section 66268.49(a) no longer exhibits a characteristic of hazardous waste shall: (1) Prepare a one-time only documentation of these determinations including all supporting information; and (2) Maintain that information in the facility files and other records for a minimum of three years.

(1)

Prepare a one-time only documentation of these determinations including all supporting information; and

(2)

Maintain that information in the facility files and other records for a minimum of three years.

(f)

Notwithstanding other provisions in this Division, in the event USEPA changes the notification or certification requirements specified in 40 CFR section 268.7 applicable to a particular waste, the new federal notification and certification

component(s) may be used to fulfill the notification and certification required by this section for the same waste until the Department adopts the new requirement(s).