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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 5@ Prohibitions on Storage

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Section 66268.50@ Prohibitions on Storage of Restricted Wastes

66268.50 Prohibitions on Storage of Restricted Wastes

(a)

Except as provided in this section, the storage of hazardous wastes restricted from land disposal under article 3 of this chapter or RCRA section 3004 (42 U.S.C. section 6924) is prohibited, unless the following conditions are met. (1) A generator stores such wastes in tanks, containers, or containment buildings on site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in section 66262.16 or 66262.17 and chapters 14 and 15 of this division. (2) An owner/operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and: (A) each container is clearly marked to identify its contents and with: 1. The words "Hazardous Waste"; 2. The applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in article 3 and 4 of chapter 11 of this division; 3. An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 Code of Federal Regulations part 172, subpart E (labeling) or subpart F (placarding); a

hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 Code of Federal Regulations 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704]; and 4. The date each period of accumulation begins. (B) each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility. Regardless of whether the tank itself is marked, an owner/operator shall comply with the operating record requirements specified in section 66264.73 or section 66265.73. (3) A transporter stores manifested shipments of such wastes at a transfer facility for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority.

(1)

A generator stores such wastes in tanks, containers, or containment buildings on site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in section 66262.16 or 66262.17 and chapters 14 and 15 of this division.

(2)

An owner/operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and: (A) each container is clearly marked to identify its contents and with: 1. The words "Hazardous Waste"; 2. The applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in article 3 and 4 of chapter

11 of this division; 3. An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 Code of Federal Regulations part 172, subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 Code of Federal Regulations 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704]; and 4. The date each period of accumulation begins. (B) each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility. Regardless of whether the tank itself is marked, an owner/operator shall comply with the operating record requirements specified in section 66264.73 or section 66265.73.

(A)

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The applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in article 3 and 4 of chapter 11 of this division;

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An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 Code of Federal Regulations part 172, subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 Code of Federal Regulations 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704]; and

4.

The date each period of accumulation begins.

(B)

each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility. Regardless of whether the tank itself is marked, an owner/operator shall comply with the operating record requirements specified in section 66264.73 or section 66265.73.

(3)

A transporter stores manifested shipments of such wastes at a transfer facility for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority.

(b)

An owner/operator of a treatment, storage or disposal facility may store such wastes for up to one year unless the Department can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

(c)

An owner/operator of a treatment, storage or disposal facility may store such wastes beyond one year; however, the owner/operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

(d)

If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension under section 66268.5, or a nationwide capacity variance under article 3), the prohibition in paragraph (a) of this section does not apply during the period of such exemption.

(e)

The prohibition in subsection (a) of this section does not apply to hazardous wastes that meet the treatment standards specified under section 66268.40 or the treatment standards specified under the variance in section 66268.44, or, where treatment standards have not been specified, is in compliance with the applicable prohibitions specified in section 66268.32 or RCRA section 3004 (42 U.S.C. section 6924) or where the waste is a non-RCRA hazardous waste.

(f)

Liquid hazardous wastes containing polychlorinated biphenyls (PCBs) at

concentrations greater than or equal to 50 ppm shall be stored at a facility that meets the requirements of 40 CFR section 761.65(b) and shall be removed from storage and treated or disposed as required by this part within one year of the date when such wastes are first placed into storage. The provisions of subsection (c) of this section do not apply to such PCB wastes prohibited under section 66268.32 of this chapter.