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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 45@ Requirements for Units and Facilities Deemed to Have a Permit by Rule

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Article 5@ Requirements Applicable to the Operation of K-12 Schools Hazardous Waste Collection, Consolidation, and Accumulation Facilities (SHWCCAF) Deemed to Have a Permit by Rule

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Section 67450.44@ Requirements Applicable to K-12 Schools Hazardous Waste Collection, Consolidation, and Accumulation Facilities Deemed to Have a Permit by Rule

67450.44 Requirements Applicable to K-12 Schools Hazardous Waste Collection, Consolidation, and Accumulation Facilities Deemed to Have a Permit by Rule

(a)

The owner or operator who operates a SHWCCAF deemed to have a permit by rule shall do all of the following: (1) Maintain compliance with sections 66262.10 through 66262.44 (Generator Standards) and article 8 of chapter 12 of this division (Transboundary Movements of Hazardous Waste for Recovery or Disposal) for any hazardous wastes generated at the SHWCCAF, except section 66262.41. (2) Maintain compliance with sections 66264.175 (Containment) and 66265.148 (Incapacity of Owners or Operators, Guarantors, or Financial Institutions) except as follows: (A) The engineering certification required by section 66264.175(c) shall be provided by the manufacturer of the containment system, an independent professional engineer registered in the State of California, or a registered professional engineer employed by a local government entity associated with the owner or operator of the SHWCCAF but not reporting to the SHWCCAF owner or operator. (3) Maintain compliance with the following regulations in chapter 15 of this division: (A) Article 2, General Facility Standards, commencing with section 66265.10 (except sections 66265.12(b), 66265.13, and 66265.19). (B) Article 3, Preparedness and Prevention, commencing with section 66265.30. (C) Article 4, Contingency Plan and Emergency Procedures, commencing with section

66265.50 (except section 66265.53(b)); (D) Section 66265.71(c) of Article 5, Manifest System, except as specified in section 66262.20(a)(1). (E) Article 9, Use and Management of Containers, commencing with section 66265.170. Except that the minimum distance specified in section 66265.176 may, at the discretion of the owner or operator, be less than 15 meters (50 feet) from the facility's property line if the shorter distance minimizes the possibility of migration of contaminants to any adjacent property should a release occur, meets the Uniform Fire Code or local fire code requirements (whichever is more stringent), and the owner or operator has written approval from all the appropriate local agencies to use the shorter distance. (F) Article 10, Tank Systems, commencing with section 66265.190 (except section 66265.197(c)(2)). (4) Prepare, maintain at the facility, and operate in compliance with an operating record comprised of the items specified in sections 67450.44(a)(6)(A)3 and 67450.45(a) of this article, and the items specified below in subsections (A), (B), (C), and (D) as follows: (A) Procedures to be followed to ensure that the SHWCCAF does not exceed the maximum hazardous waste volumes and accumulation time limits established in subsections (a)(8) and (a)(9) of this section. At a minimum, the plan shall include procedures to address the following: 1. A system for identifying and marking wastes with the waste volume and date received at the SHWCCAF. The system shall address tracking the location of wastes according to the waste volume and date received at the SHWCCAF and establishment of procedures for removal of the oldest wastes as necessary to maintain compliance with both the maximum waste volume provisions of subsection (a)(8) and waste accumulation time limit provisions of subsection (a)(9). 2. Assessment of whether and when the volume of wastes being brought to the SHWCCAF may cause the SHWCCAF to approach or exceed the established facility maximum waste volumes; 3. Arrangements for

immediate transportation of wastes by a registered hazardous waste transporter to an authorized treatment, storage or disposal facility, such that the established maximum facility waste volumes and accumulation time limits shall not be exceeded. (B) Procedures to be followed to ensure that the facility will be managed in an environmentally safe manner in the event of inclement weather. (C) A copy of the written protocol when required by section 67450.44(a)(7)(B)3 for consolidation at the SHWCCAF of solvents, oil-based paints, or gasoline. (D) Procedures for segregating and immediately removing from the SHWCCAF wastes prohibited from management at the SHWCCAF. The owner or operator of the SHWCCAF shall remove prohibited wastes from the SHWCCAF and transport them to an authorized treatment, storage or disposal facility, in accordance with all applicable regulations, within ten (10) days of receipt of the wastes at the SHWCCAF. The owner or operator shall document these actions in the facility operating log required by section 67450.45(a)(1). (5) Maintain compliance with the transportation requirements established in section 67450.46 of this article. (6) Maintain compliance with Health and Safety Code section 25200.14, except as specified below: (A) Complete and file a Phase I environmental assessment with the Department, or with a CUPA authorized to implement Health and Safety Code section 25200.14 pursuant to Health and Safety Code section 25404.1, within one year of commencing operation pursuant to section 66270.60 and article 5 of chapter 45. 1. The Phase I environmental assessment required by Health and Safety Code section 25200.14 shall be limited to the area defined by the operational boundary of the SHWCCAF. The assessment shall be conducted only on the area directly affected by the operations of the SHWCCAF. 2. The certification required by Health and Safety Code section 25200.14(d) may be obtained from the owner, operator, or his or her designee, a professional engineer

registered in the State of California, a registered geologist, or a registered environmental assessor. 3. The Phase I environmental assessment and certification required by this section shall be submitted to the Department, or CUPA authorized to implement Health and Safety Code section 25200.14 pursuant to Health and Safety Code section 25404.1. A copy of the Phase I environmental assessment and the certification shall be made part of the operating record required by subsection (a)(4) of this section. (7) Consolidation of hazardous wastes at the SHWCCAF shall be conducted in compliance with section 67450.42(d) of this article, and as specified below: (A) Consolidation shall be conducted in a manner that prevents mixing of incompatible wastes. (B) Consolidation shall be conducted in compliance with any applicable air quality management district or air pollution control district requirements and any applicable local fire agency requirements. In addition, consolidation shall be conducted to include the following: 1. Every reasonable effort shall be made to minimize the loss of volatile organic compounds during any consolidation activities. 2. Emission of nuisance odors shall be prevented during any consolidation activities. 3. If solvents, oil-based paints, or gasoline are to be consolidated at the SHWCCAF and local air district or fire agency requirements specific to that activity apply, the owner or operator of the SHWCCAF shall develop, and operate in compliance with, written consolidation procedures approved by the local fire and air quality management district or air pollution control district having jurisdiction over the SHWCCAF. (C) All consolidation shall be conducted within an area with secondary containment in accordance with section 66264.175 if containers are used for consolidation of the wastes, and section 66265.193 if tank systems are used for the consolidation of wastes. (8) The maximum quantity of hazardous wastes accumulated at the SHWCCAF at any

one time, including hazardous waste generated by the SHWCCAF, shall not exceed 1,080 gallons or 8,800 pounds, whichever is greater. If the volume of hazardous wastes being transported to the SHWCCAF is such that the quantity limit will be exceeded, the owner or operator shall immediately make arrangements for a registered hazardous waste transporter to pick up wastes from the facility, such that the maximum quantity of hazardous waste allowed at the SHWCCAF shall not be exceeded. (9) Notwithstanding section 66262.34, the owner or operator of a SHWCCAF may accumulate and store non-RCRA or RCRA hazardous waste, if management of that waste at the SHWCCAF is exempt from or is not otherwise regulated pursuant to the federal act, at the facility for up to one year from the date of collection from contributing schools or the date of generation at the SHWCCAF, as long as the maximum quantity of hazardous waste allowed at the SHWCCAF is not exceeded.

(1)

Maintain compliance with sections 66262.10 through 66262.44 (Generator Standards) and article 8 of chapter 12 of this division (Transboundary Movements of Hazardous Waste for Recovery or Disposal) for any hazardous wastes generated at the SHWCCAF, except section 66262.41.

(2)

Maintain compliance with sections 66264.175 (Containment) and 66265.148 (Incapacity of Owners or Operators, Guarantors, or Financial Institutions) except as follows: (A) The engineering certification required by section 66264.175(c) shall be provided by the manufacturer of the containment system, an independent professional engineer registered in the State of California, or a registered professional engineer employed by a local government entity associated with the owner or operator of the SHWCCAF but not reporting to the SHWCCAF owner or operator.

(A)

The engineering certification required by section 66264.175(c) shall be provided by the manufacturer of the containment system, an independent professional engineer registered in the State of California, or a registered professional engineer employed by a local government entity associated with the owner or operator of the SHWCCAF but not reporting to the SHWCCAF owner or operator.

(3)

Maintain compliance with the following regulations in chapter 15 of this division: (A) Article 2, General Facility Standards, commencing with section 66265.10 (except sections 66265.12(b), 66265.13, and 66265.19). (B) Article 3, Preparedness and Prevention, commencing with section 66265.30. (C) Article 4, Contingency Plan and Emergency Procedures, commencing with section 66265.50 (except section 66265.53(b)); (D) Section 66265.71(c) of Article 5, Manifest System, except as specified in section 66262.20(a)(1). (E) Article 9, Use and Management of Containers, commencing with section 66265.170. Except that the minimum distance specified in section 66265.176 may, at the discretion of the owner or operator, be less than 15 meters (50 feet) from the facility's property line if the shorter distance minimizes the possibility of migration of contaminants to any adjacent property should a release occur, meets the Uniform Fire Code or local fire code requirements (whichever is more stringent), and the owner or operator has written approval from all the appropriate local agencies to use the shorter distance. (F) Article 10, Tank Systems, commencing with section 66265.190 (except section 66265.197(c)(2)).

(A)

Article 2, General Facility Standards, commencing with section 66265.10 (except sections 66265.12(b), 66265.13, and 66265.19).

(B)

Article 3, Preparedness and Prevention, commencing with section 66265.30.

(C)

Article 4, Contingency Plan and Emergency Procedures, commencing with section 66265.50 (except section 66265.53(b));

(D)

Section 66265.71(c) of Article 5, Manifest System, except as specified in section 66262.20(a)(1).

(E)

Article 9, Use and Management of Containers, commencing with section 66265.170. Except that the minimum distance specified in section 66265.176 may, at the discretion of the owner or operator, be less than 15 meters (50 feet) from the facility's property line if the shorter distance minimizes the possibility of migration of contaminants to any adjacent property should a release occur, meets the Uniform Fire Code or local fire code requirements (whichever is more stringent), and the owner or operator has written approval from all the appropriate local agencies to use the shorter distance.

(F)

Article 10, Tank Systems, commencing with section 66265.190 (except section 66265.197(c)(2)).

(4)

Prepare, maintain at the facility, and operate in compliance with an operating record comprised of the items specified in sections 67450.44(a)(6)(A)3 and 67450.45(a) of this article, and the items specified below in subsections (A), (B), (C), and (D) as follows: (A) Procedures to be followed to ensure that the SHWCCAF does not exceed the maximum hazardous waste volumes and accumulation time limits established in subsections (a)(8) and (a)(9) of this section. At a minimum, the plan shall include procedures to address the following: 1. A system for identifying and marking wastes

with the waste volume and date received at the SHWCCAF. The system shall address tracking the location of wastes according to the waste volume and date received at the SHWCCAF and establishment of procedures for removal of the oldest wastes as necessary to maintain compliance with both the maximum waste volume provisions of subsection (a)(8) and waste accumulation time limit provisions of subsection (a)(9). 2. Assessment of whether and when the volume of wastes being brought to the SHWCCAF may cause the SHWCCAF to approach or exceed the established facility maximum waste volumes; 3. Arrangements for immediate transportation of wastes by a registered hazardous waste transporter to an authorized treatment, storage or disposal facility, such that the established maximum facility waste volumes and accumulation time limits shall not be exceeded. (B) Procedures to be followed to ensure that the facility will be managed in an environmentally safe manner in the event of inclement weather. (C) A copy of the written protocol when required by section 67450.44(a)(7)(B)3 for consolidation at the SHWCCAF of solvents, oil-based paints, or gasoline. (D) Procedures for segregating and immediately removing from the SHWCCAF wastes prohibited from management at the SHWCCAF. The owner or operator of the SHWCCAF shall remove prohibited wastes from the SHWCCAF and transport them to an authorized treatment, storage or disposal facility, in accordance with all applicable regulations, within ten (10) days of receipt of the wastes at the SHWCCAF. The owner or operator shall document these actions in the facility operating log required by section 67450.45(a)(1).

(A)

Procedures to be followed to ensure that the SHWCCAF does not exceed the maximum hazardous waste volumes and accumulation time limits established in subsections (a)(8) and (a)(9) of this section. At a minimum, the plan shall include procedures to address the following: 1. A system for identifying and marking wastes with the waste volume and date

received at the SHWCCAF. The system shall address tracking the location of wastes according to the waste volume and date received at the SHWCCAF and establishment of procedures for removal of the oldest wastes as necessary to maintain compliance with both the maximum waste volume provisions of subsection (a)(8) and waste accumulation time limit provisions of subsection (a)(9). 2. Assessment of whether and when the volume of wastes being brought to the SHWCCAF may cause the SHWCCAF to approach or exceed the established facility maximum waste volumes; 3. Arrangements for immediate transportation of wastes by a registered hazardous waste transporter to an authorized treatment, storage or disposal facility, such that the established maximum facility waste volumes and accumulation time limits shall not be exceeded.

1.

A system for identifying and marking wastes with the waste volume and date received at the SHWCCAF. The system shall address tracking the location of wastes according to the waste volume and date received at the SHWCCAF and establishment of procedures for removal of the oldest wastes as necessary to maintain compliance with both the maximum waste volume provisions of subsection (a)(8) and waste accumulation time limit provisions of subsection (a)(9).

2.

Assessment of whether and when the volume of wastes being brought to the SHWCCAF may cause the SHWCCAF to approach or exceed the established facility maximum waste volumes;

3.

Arrangements for immediate transportation of wastes by a registered hazardous waste transporter to an authorized treatment, storage or disposal facility, such that the established maximum facility waste volumes and accumulation time limits shall not be exceeded.

(B)

Procedures to be followed to ensure that the facility will be managed in an environmentally safe manner in the event of inclement weather.

(C)

A copy of the written protocol when required by section 67450.44(a)(7)(B)3 for consolidation at the SHWCCAF of solvents, oil-based paints, or gasoline.

(D)

Procedures for segregating and immediately removing from the SHWCCAF wastes prohibited from management at the SHWCCAF. The owner or operator of the SHWCCAF shall remove prohibited wastes from the SHWCCAF and transport them to an authorized treatment, storage or disposal facility, in accordance with all applicable regulations, within ten (10) days of receipt of the wastes at the SHWCCAF. The owner or operator shall document these actions in the facility operating log required by section 67450.45(a)(1).

(5)

Maintain compliance with the transportation requirements established in section 67450.46 of this article.

(6)

Maintain compliance with Health and Safety Code section 25200.14, except as specified below:(A) Complete and file a Phase I environmental assessment with the Department, or with a CUPA authorized to implement Health and Safety Code section 25200.14 pursuant to Health and Safety Code section 25404.1, within one year of commencing operation pursuant to section 66270.60 and article 5 of chapter 45. 1. The Phase I environmental assessment required by Health and Safety Code section 25200.14 shall be limited to the area defined by the operational boundary of the SHWCCAF. The assessment shall be conducted only on the area directly affected by the operations of the SHWCCAF. 2. The certification required by Health and Safety Code section 25200.14(d) may be obtained from the owner, operator, or his or her designee, a professional engineer registered in the State of California, a registered geologist, or a registered environmental assessor. 3. The Phase I environmental

assessment and certification required by this section shall be submitted to the Department, or CUPA authorized to implement Health and Safety Code section 25200.14 pursuant to Health and Safety Code section 25404.1. A copy of the Phase I environmental assessment and the certification shall be made part of the operating record required by subsection (a)(4) of this section.

(A)

Complete and file a Phase I environmental assessment with the Department, or with a CUPA authorized to implement Health and Safety Code section 25200.14 pursuant to Health and Safety Code section 25404.1, within one year of commencing operation pursuant to section 66270.60 and article 5 of chapter 45. 1. The Phase I environmental assessment required by Health and Safety Code section 25200.14 shall be limited to the area defined by the operational boundary of the SHWCCAF. The assessment shall be conducted only on the area directly affected by the operations of the SHWCCAF. 2. The certification required by Health and Safety Code section 25200.14(d) may be obtained from the owner, operator, or his or her designee, a professional engineer registered in the State of California, a registered geologist, or a registered environmental assessor. 3. The Phase I environmental assessment and certification required by this section shall be submitted to the Department, or CUPA authorized to implement Health and Safety Code section 25200.14 pursuant to Health and Safety Code section 25404.1. A copy of the Phase I environmental assessment and the certification shall be made part of the operating record required by subsection (a)(4) of this section.

1.

The Phase I environmental assessment required by Health and Safety Code section 25200.14 shall be limited to the area defined by the operational boundary of the SHWCCAF. The assessment shall be conducted only on the area directly affected by the operations of the SHWCCAF.

2.

The certification required by Health and Safety Code section 25200.14(d) may be obtained from the owner, operator, or his or her designee, a professional engineer registered in the State of California, a registered geologist, or a registered environmental assessor.

3.

The Phase I environmental assessment and certification required by this section shall be submitted to the Department, or CUPA authorized to implement Health and Safety Code section 25200.14 pursuant to Health and Safety Code section 25404.1. A copy of the Phase I environmental assessment and the certification shall be made part of the operating record required by subsection (a)(4) of this section.

(7)

Consolidation of hazardous wastes at the SHWCCAF shall be conducted in compliance with section 67450.42(d) of this article, and as specified below: (A) Consolidation shall be conducted in a manner that prevents mixing of incompatible wastes. (B) Consolidation shall be conducted in compliance with any applicable air quality management district or air pollution control district requirements and any applicable local fire agency requirements. In addition, consolidation shall be conducted to include the following: 1. Every reasonable effort shall be made to minimize the loss of volatile organic compounds during any consolidation activities. 2. Emission of nuisance odors shall be prevented during any consolidation activities. 3. If solvents, oil-based paints, or gasoline are to be consolidated at the SHWCCAF and local air district or fire agency requirements specific to that activity apply, the owner or operator of the SHWCCAF shall develop, and operate in compliance with, written consolidation procedures approved by the local fire and air quality management district or air pollution control district having jurisdiction over the SHWCCAF. (C) All consolidation shall be conducted within an area with secondary containment in accordance with section 66264.175 if containers are used for consolidation of the wastes, and section 66265.193 if tank

systems are used for the consolidation of wastes.

(A)

Consolidation shall be conducted in a manner that prevents mixing of incompatible wastes.

(B)

Consolidation shall be conducted in compliance with any applicable air quality management district or air pollution control district requirements and any applicable local fire agency requirements. In addition, consolidation shall be conducted to include the following:

1. Every reasonable effort shall be made to minimize the loss of volatile organic compounds during any consolidation activities.
2. Emission of nuisance odors shall be prevented during any consolidation activities.
3. If solvents, oil-based paints, or gasoline are to be consolidated at the SHWCCAF and local air district or fire agency requirements specific to that activity apply, the owner or operator of the SHWCCAF shall develop, and operate in compliance with, written consolidation procedures approved by the local fire and air quality management district or air pollution control district having jurisdiction over the SHWCCAF.

1.

Every reasonable effort shall be made to minimize the loss of volatile organic compounds during any consolidation activities.

2.

Emission of nuisance odors shall be prevented during any consolidation activities.

3.

If solvents, oil-based paints, or gasoline are to be consolidated at the SHWCCAF and local air district or fire agency requirements specific to that activity apply, the owner or operator of the SHWCCAF shall develop, and operate in compliance with, written consolidation procedures approved by the local fire and air quality management district or air pollution control district having jurisdiction over the SHWCCAF.

(C)

All consolidation shall be conducted within an area with secondary containment in accordance with section 66264.175 if containers are used for consolidation of the wastes, and section 66265.193 if tank systems are used for the consolidation of wastes.

(8)

The maximum quantity of hazardous wastes accumulated at the SHWCCAF at any one time, including hazardous waste generated by the SHWCCAF, shall not exceed 1,080 gallons or 8,800 pounds, whichever is greater. If the volume of hazardous wastes being transported to the SHWCCAF is such that the quantity limit will be exceeded, the owner or operator shall immediately make arrangements for a registered hazardous waste transporter to pick up wastes from the facility, such that the maximum quantity of hazardous waste allowed at the SHWCCAF shall not be exceeded.

(9)

Notwithstanding section 66262.34, the owner or operator of a SHWCCAF may accumulate and store non-RCRA or RCRA hazardous waste, if management of that waste at the SHWCCAF is exempt from or is not otherwise regulated pursuant to the federal act, at the facility for up to one year from the date of collection from contributing schools or the date of generation at the SHWCCAF, as long as the maximum quantity of hazardous waste allowed at the SHWCCAF is not exceeded.