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MEMORANDUM

TO: William Gausewitz
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FROM: Maureen F. Gorsen
Director

DATE:

SUBJECT: REQUEST FOR NON-SUBSTANTIVE MANIFEST RULEMAKING
DEPARTMENT REFERENCE NUMBER R-2005-01

Please review and approve the attached rulemaking adopting technical revisions to the California Code of Regulations, title 22. The revisions parallel the federal regulations governing the Uniform Hazardous Waste Manifest adopted on March 4, 2005 and as amended on June 16, 2005 by the United States Environmental Protection Agency (U.S. EPA) into 40 Code of Federal Regulations, Parts 260, 261, 262, 263, 264, and 265.

Additionally, the Department of Toxic Substances Control (DTSC) made these additional non-substantive changes to:

- Adopt the new federal language required by U.S. EPA while maintaining existing State requirements that are more stringent,
- Provide the manifest implementation date in all impacted sections for clarity,
- Relocate existing State instructions from the Appendix to chapter 12 to the regulation text in section 66262.23,

- Add DTSC addresses for submission of existing manifest-related and international shipment reports to provide a clear destination for each existing report,
- Update regulations for recent changes in related State statute dealing with transportation and manifesting, and
- Revise the formatting of legal terminology to better conform to the California Style Manual.

The federal manifest regulations take effect nationally on September 5, 2006. State adoption and publication of California's revision to those regulations are needed earlier to allow time for outreach, education, and a smooth implementation of the new federal requirements. Our submission includes two versions of the regulations: the official version and a "reviewer's version" that shows the federal changes in regular font and the State changes in bold.

The proposed regulations parallel the mandatory elements of federal regulations when the United States Environmental Protection Agency (U.S. EPA) preempts existing state flexibility or where there is no existing State standard that conflicts or is more stringent.

These regulations are consistent with existing State law, and are in some areas still more stringent or broader in scope than the corresponding federal regulations, but only in areas not preempted by the federal government. The primary area where U.S. EPA is preempting states is in the manifest form, continuation sheet, instructions, and use of those forms.

The bulk of the federal regulations referenced above were adopted under the authority of the United States Department of Transportation (DOT), which regulates the transportation of hazardous materials, including hazardous wastes and the Resource Conservation and Recovery Act (RCRA), title 42 United States Code section 6921 et. seq. These regulations were adopted pursuant to 42 Federal Register 10776 (Mar. 4, 2005). One section, 40 Code of Federal Regulations section 262.27, was adopted under the authority of the Hazardous and Solid Waste Amendments (HSWA), section 1 of Public Law 98-616. The impact of a HSWA designation is that the waste minimization requirements appearing in 40 Code of Federal Regulations section 262.27 will be effective immediately under federal law in all authorized states, before the states become authorized for their equivalent requirements under state law. (42 U.S.C. §§ 6926(g) and 6929).

The federal regulations were promulgated on March 4, 2005 with additional amendments adopted on June 16, 2005. (70 Fed. Reg. 35034 (June 16, 2006).) They will take effect in California with the full scope and stringency of the federal regulations, without adoption of the State regulations. Thus, adopting these technical and parallel revisions to the California regulations will not affect any person's substantive duties under State law but will ensure that the manifest related requirements of State and federal laws are consistently applied for use by the regulated community and regulators.

NON-SUBSTANTIVE DETERMINATION

This regulation action is deemed to be non-substantive under California Code of Regulations, title 1, division 1, chapter 1, article 2, section 100. This determination is based on the fact that the change does not materially alter any requirement, right, responsibility, condition, prescription or other regulation element of the California Code of Regulations beyond those made for recent federal manifest regulatory changes.

Health and Safety Code section 25159 requires DTSC to revise its regulations as necessary to maintain authorization to administer a state hazardous waste program in lieu of the federal program. Section 25159.1 requires the Office of Administrative Law (OAL) to deem such regulations as non-substantive for the purposes of section 100. These proposed regulations, if adopted, will result in a change without regulatory effect for the purposes of section 100 of the California Code of Regulations, title 1.

ORGANIZATION AND NUMBERING:

Every DTSC rulemaking carried out to adopt DOT or RCRA equivalent regulations makes generic changes to the organization, numbering, and elements of language of the federal regulations in order to fit into the format, numbering, and language usage of the California Code of Regulations, title 22. Understanding these changes is important to understanding which differences, between State and federal hazardous waste control law, are substantive and non-substantive. The generic changes that are being made in this rulemaking are outlined in the following discussion and are not discussed in detail in the detailed descriptions.

The organization of the California Code of Regulations, title 22, differs from the federal regulation organization structure. The proposed regulations are organized using chapter, article, and section designations consistent with the format of the state code approved by OAL.

The federal regulations are divided into parts, subparts, and sections, and use different subsection designations. Federal regulations use non-inclusive language (i.e., his and he) while the standard for State regulations is to use inclusive language (i.e., his or hers

and he or she). A comparison of the State and federal organizational designations and word usage is as follows:

<u>Federal--40 CFR</u>	<u>State-- Title 22</u>
Chapter	Division
Subchapter	Division
Part	Chapter
Subpart	Article
Section	Section
<u>Federal--40 CFR</u>	<u>State-- Title 22</u>
Paragraph	Subsection
(a)	(a)
(1)	(1)
(i), (ii)	(A), (B)
(A)	1.

Additional Generic Changes:

Adoption of the California hazardous waste regulations resulted in certain changes to acronyms, words and phrases from the analogous federal regulations. These changes are necessary to make these rules consistent with the rest of the California Code of Regulations, title 22, which is in some cases more stringent than or broader in scope than the analogous federal regulations. Additionally, miscellaneous differences in the use of punctuation marks, plural vs. singular, and capitalization occur throughout this rulemaking. Except as specifically noted in the following sections, acronyms, words and phrases are generally changed as follows:

<u>40 CFR</u>	<u>Title 22</u>
40 CFR "part.section" , i.e., 40 CFR 264.143	"66" added before analogous part or section, i.e., 22 CCR 66 264.143
§ or §§	"section," "sections," "subsection," or "subsections"

<u>40 CFR</u>	<u>Title 22</u>
“U.S. EPA”, “EPA”, “Agency”, “US EPA Regional Administrator for the Region”, “Regional Administrator”, or any other variations or the above.	“Department of Toxic Substances Control”, “Department”, “DTSC”, “Director of the Department of Toxic Substances Control”, “Beneficiary” or any other appropriate variation of the above.
“must,” “may,” or “will”	“shall”
“he” or “his”	non-gender specific word or phrases such as “person” “he or she” “his or her”
“paragraph”	“subsection”
notes and comments	deleted or incorporated in text of regulation
“treatment, storage, or disposal”	“transfer, treatment, storage or disposal”

Conformity with California Style Manual:

Throughout existing State and federal regulations, acronyms and citations are used that are not in conformity with the California Style Manual. The following changes are made throughout the regulations and the Reference sections and are not separately noted:

<u>Old</u>	<u>Corrected</u>
CFR	Code of Federal Regulations
CFR Section	Code of Federal Regulations section
USEPA	U.S. EPA

Deletion of Obsolete Authority References:

All references to section 208 are being deleted from existing Authority and Reference sections because it no longer exists in the Health and Safety Code. These global formatting and citation changes are not noted in the Statement of Reasons.

Notes on Specific Changes Incorporated into This and Previous Rulemakings:

Following are specific differences between California Code of Regulations and the analogous 40 Code of Federal Regulations citations. Most differences are the result of the California Code of Regulations, title 22, being more stringent, broader in scope. This rulemaking incorporates changes to 40 Code of Federal Regulations as identified in RCRA Revision Checklists 207 (revised 4/26/05).

DISCUSSION OF CHANGES AND APPLICABILITY OF SECTION 100

This regulation makes no new law. It applies the changes made by federal regulations and recent State statutory changes to existing State manifest and manifest related requirements made by both statute and regulation. However, because current State and federal manifest requirements are considerably different, some of the proposed changes may raise issues about their eligibility for a California Code of Regulations, title 1, section 100, non-substantive rulemaking. The following areas will benefit from additional explanation. As they affect multiple sections, we are discussing them here.

Applicability of Federal Manifest to Non-Federal Waste and Handlers:

Currently, U.S. EPA adopted a Uniform Hazardous Waste Manifest for use by hazardous waste handlers required to manifest under federal law. U.S. EPA allows states to modify the manifest and to require its use by other generators and for other waste streams that are not regulated by the federal requirements. California modified the manifest and required its use for more wastes and more generators than those regulated by U.S. EPA.

The new federal regulations eliminate states' power to modify the manifest but allow states to require use of the manifest for more waste and more generators than federal requirements. California proposes to use the new federal manifest for both State and federal regulated waste because it is required by Health and Safety Code section 25160, subdivision (c)(1). Existing statute provides for only one manifest and does not allow the State to use a parallel or different manifest for wastes regulated only by California.

From the Health and Safety Code:

“section 25160(c)(1) The department shall determine the form and manner in which a manifest shall be completed and the information that the manifest shall contain. The information requested on the manifest shall serve as the data dictionary for purposes of the developing of an electronic reporting format pursuant to Section 71062 of the Public Resources Code. The form of each manifest and the information requested on each manifest shall be the same for all hazardous wastes, regardless of whether the hazardous wastes are also regulated pursuant to the federal act or by regulations adopted by the United States Department of Transportation. However, the form of the manifest and the information required shall be consistent with federal regulations.”

In addition, according to U.S. EPA, the hazardous waste manifest is based on both RCRA authority and the hazardous materials statutes and regulations adopted by the

DOT. In 1984, when U.S. EPA initially issued the Uniform Manifest Rule, it stated that the joint RCRA/hazmat basis for the manifest gives rise “to unique implementation consequences.” (42 Fed. Reg. 10776, (Mar. 4, 2005) p. 10810.) In addition, in 1984, U.S. EPA found that “consistency was extremely important where requirements addressing transportation are concerned.” Based on a “proliferation of many state-specific manifest forms ... hamper(ing) the movement of hazardous waste”, EPA announced that consistency in the use of the Uniform Manifest would be required from authorized States, and that, with the exception of the limited state information that was then allowed, “authorized States could not require any other manifest or information to accompany a waste shipment.” (Id. at p. 10811.) Therefore, based on “nearly 20 years of experience”, in the March 2005 rulemaking, U.S. EPA emphasized that program consistency “demand(s) that all authorized States must require the use of the revised manifest form and requirements” as set out in the rule. (Ibid.)

Lastly, federal consistency is needed to maintain state authorization. Health and Safety Code section 25159.1 states in relevant part:

“The Office of Administrative Law shall deem any regulation proposed for adoption by the department to maintain authorization. . .to be a nonsubstantive change without regulatory effect for the purposes of Section 100 of Title 1 of the California Code of Regulations, provided that the regulation, as applied in this State, is not more stringent and is not broader in scope than the corresponding federal regulations.” (Stats. 1995, c. 640 (SB 1291); emphasis added.)

In this case, DTSC is proposing a regulation requiring use of a uniform manifest necessary to maintain authorization. At no time has either U.S. EPA allowed or DTSC required the use of a different manifest for non-RCRA waste. In fact, California law specifically requires and defines, for purposes of Chapter 6.5, a “standard” Uniform Hazardous Waste Manifest for all shipments of hazardous waste for which a manifest is required. (Health & Saf. Code, §25160.)

Applicability to Shipments Between States

Currently, California law requires all generators using California Manifests to submit manifest copies to DTSC. It also requires all facilities receiving waste on California manifests to submit manifest copies to DTSC. In addition, California generators using a manifest required by the receiving state are also required to submit a copy of that manifest to DTSC. Health and Safety Code section 25160, subdivision (b)(1) states:

“...any person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, shall complete a manifest prior to the time the waste is

transported or offered for transportation, and shall designate on that manifest the facility to which the waste is to be shipped for the handling, treatment, storage, disposal, or combination thereof. ...

Within 30 days from the date of transport, or submission for transport, of hazardous waste, each generator of that hazardous waste shall submit to the department a legible copy of each manifest used. ...”

The new federal manifest preempts all existing state versions, but it does acknowledge that states may require submission of copies from generators and facilities in their state, and facilities in other states that receive the generating state’s waste. This is discussed in the 70 Federal Register 10776 (Mar. 4, 2005) p.10800 and is shown in the addition of a new page to the manifest for out of state facilities to return to the generating state (see proposed Cal. Code Regs., tit. 22, § 66262.21, subsec. (d)).

“(d) Each copy of the manifest and continuation sheet shall indicate how the copy shall be distributed, as follows:

Page 1 (top copy): “Designated facility to destination State (if required)”.

Page 2: “Designated facility to generator State (if required)”.

Page 3: “Designated facility to generator”.

Page 4: “Designated facility’s copy”.

Page 5: “Transporter’s copy”.

Page 6 (bottom copy): “Generator’s initial copy”.”

To maintain the current requirements, DTSC needs to continue receiving manifest copies from generators and facilities both in state and out of state. Federal regulations now require generators and facilities to determine what states other than their own, have additional manifest requirements when waste is shipped between states:

Generator requirements in California Code of Regulations, title 22, section 66262.21, subsection (e) adopt the following federal amendments regarding other state requirements:

“(e)(1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from U.S. EPA to print the manifest under 40 Code of Federal Regulations section 262.21 (c) and (e). A registered source may be a:

(A) State agency;

(B) Commercial printer;

(C) Hazardous waste generator, transporter or TSDF; or

(D) Hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.

(2) A generator shall determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under these states' authorized programs.

(3) Generators also shall determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator shall supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states."

Facilities requirements in California Code of Regulations, title 22, sections 66264.71, subsection (a)(2)(G) and 66265.71, subsection (a)(2)(G) adopt federal amendments:

"(G) a facility shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. Facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states."

Under Health and Safety Code section 25160, facilities receiving California manifests are required to submit them to DTSC. With the elimination of the separate California manifest, it is necessary to redefine which manifests must be submitted to be consistent with the outcome of current law. In order for California to continue to receive the manifests it currently receives and only manifests with a connection to California, the following phrase is added in section 66262.21, subsection (f) to maintain the existing California requirement and scope.

Generator manifest submission requirements are found in California Code of Regulations, title 22, section 66262.21, subsection (f):

"(f) Manifests shall be submitted to the department by any generator when the waste is generated in California or is transported to a designated facility located in California. The generator manifest copy shall be submitted to the department for every shipment on a manifest when California is either the generator state or the destination or consignment state."

Facility manifest submission requirements are found in California Code of Regulations, title 22, sections 66264.71, subsection (a)(2)(F) and 66265.71, subsection (a)(2)(F):

"(F) within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest used. The facility manifest copy

shall be submitted to the department for every shipment on a manifest when California is either the generator state or the destination state. ...”

Use of a Federal Publication --Reference Without a Specific Date

Among many changes, the federal form and instructions require facilities receiving waste manifests to code the manifest for how the waste will be handled at that facility. Current California manifest and instructions require facilities to use a simpler set of 10 codes listed in Table IV. U.S. EPA requires use of a different set of 28 codes, the Hazardous Waste Report Management Method codes (HWRMM). These existing codes are currently part of the requirements for filing biennial reports and are published in the report instructions and can be modified every two years by U.S. EPA as part of the Biennial Reporting cycle. U.S. EPA did not adopt the list of these codes in the regulation text or the instructions. They published a list of these codes in the 70 Federal Register 10776 (Mar. 4, 2005) page 10786. By inclusion in the instructions to the manifest, this list and its successor lists were adopted by reference into the federal manifest regulations.

In response to requests from businesses and to satisfy California’s standard for clarity, DTSC is adding to the regulations both the current codes and a reference to the biennial publication, *Hazardous Waste Report, Instructions and Forms (EPA Form 8700-13A/B)*. This publication will be listed as a reference for the manifest instructions found in the Appendix to chapter 12 and in sections 66264.71 and 66265.71. The codes will be included as a new Appendix to chapter 14 with a reference in sections 66264.71 and 66265.71. This Appendix will be modified by subsequent section 100 regulations if and when they are revised by U.S. EPA.

THIS RULEMAKING:

DTSC proposes to amend the following sections of California Code of Regulations, title 22, related to manifesting and transportation of hazardous waste for the reasons summarized in this table and explained below.

Table Displaying Sections and Reasons for Amendments

Sections	Title	Federal Conformity	Related State Manifest/ Transporter Non-Substantive Modifications	Statutory Consistency	Provide DTSC Addresses For Existing Reports/ Correct Regulatory Errors
66260.10	Definitions	x	x		x
Generators					
66262.20	General Requirements	x			x
66262.21	Acquisition and Submission of Manifests	x	x		
66262.22	Number of Copies		x repeal		
66262.23	Use of the Manifest	x	x		
66262.27	Waste minimization certification	x			
66262.32	Marking	x	x		
66262.33	Placarding	x			
66262.34	Accumulation Time	x	x	x	
66262.42	Exception Reporting			x	x
66262.53	Notification of Intent to Export				x
66262.54	Special Manifest Requirements	x	x		
66262.55	Exception Reports for Exporters			x	x

Sections	Title	Federal Conformity	Related State Manifest/ Transporter Non-Substantive Modifications	Statutory Consistency	Provide DTSC Addresses For Existing Reports/ Correct Regulatory Errors
66262.56	Annual Export Reports				x
66262.60	Imports of Hazardous Waste	x	x		
Appendix to Chapter 12	Manifest and Instructions and Continuation Sheet and Instructions	x			
Transporters					
66263.18	Exempt Transfer Facility			x	
66263.20	Manifest Procedures for the Transporter	x	x		
66263.21	Transporter Compliance with the Manifest	x	x		
66263.24 (new)	Load Rejection and Consolidated Manifesting			x	
66263.32	Transporter Reporting Requirements for Missing		x		

Sections	Title	Federal Conformity	Related State Manifest/ Transporter Non-Substantive Modifications	Statutory Consistency	Provide DTSC Addresses For Existing Reports/ Correct Regulatory Errors
	Hazardous Waste of Concern.				
Permitted Treatment, Storage, or Disposal Facility (TSDF)					
66264.12	Required notices				X
66264.70	Applicability	x	x		
66264.71	Use of the Manifest System	x	x		
66264.72	Manifest Discrepancies	x	x	x	x
66264.76	Unmanifested waste report				x
66264.78	Reporting HWC Discovered to be Missing While In Storage		x		
Appendix II (new)	HWRMM Codes		x		
Interim Status					
66265.12	Required notices				x
66265.70	Applicability	x	x		
66265.71	Use of the Manifest System	x	x		

Sections	Title	Federal Conformity	Related State Manifest/Transporter Non-Substantive Modifications	Statutory Consistency	Provide DTSC Addresses For Existing Reports/Correct Regulatory Errors
66265.72	Manifest Discrepancies	x	x	x	x
66265.76	Unmanifested waste report				x
66265.78	Reporting HWC Discovered to be Missing While In Storage		x		

Federal Conformity:

These sections are being amended to more closely parallel the regulation text found in 40 Code of Federal Regulations sections 260.10, 261.7, 262.20, 262.21, 262.27, 262.32, 262.33, 262.34, 262.54, 262.60, the Appendix to part 262, 263.20, 263.21, 264.70, 264.71, 264.72, 264.76, 265.70, 265.71, 265.72, and 265.76.

Related State Manifest/Transporter Non-Substantive Modifications:

Some changes to State regulatory language are needed to combine existing more stringent State provisions to the corresponding federal regulation text and revised procedures. These changes are beyond the generic changes specified in the above comparison and are described specifically below. All changes are non-substantive as the requirements are already in state statute or regulations. Some of these modifications are required by California statute and regulations that are more stringent or organized differently than federal regulations. They are listed below:

- Effective date of September 5, 2006 is included in some impacted sections for clarity. The federal regulations only include the date in the applicability sections at the beginning of each part.
- New terms used in the text of the federal regulations are added to the State

definition section for clarity, in addition to the definitions adopted by U.S. EPA, but fully in keeping with their use in the federal regulations and Federal Register.

- Some of the State standards for manifesting hazardous waste were already more stringent than the federal requirements and were not preempted by the new federal rulemaking. These include the requirement for generators and designated facilities, and some transporters, to submit signed copies of the manifest to DTSC within 30 days of initiating the shipment or within 30 days of receiving the shipment. The federal regulations require the use of manifests, but not the submission of manifests to a state or to U.S. EPA. The new federal regulations do not preclude states from requiring submission of manifests and require generators and facilities to determine if the state requires manifest submission.
- Addresses for generators and facilities to submit manifests to DTSC are currently printed on the California Manifest, which is preempted by the federal regulations. Therefore, addresses for submission of manifests need to be added to section 66262.21 subsection (f) for generators; 66264.71 subsection (a) and 66265.71 subsection (a) for facilities; section 66263.20(f) for transporters submitting manifests for shipments sent out of state. Transporters are already required to submit these manifests. Addresses were also added for new manifests created by the federal regulations for rejected loads and container residues: section 66262.34 subsection (g) for generators and sections 66264.72 subsection (g) and 66265.72(g) for facilities.
- Some minor, non-substantive modifications and clarifications are needed in two regards. The new federal manifest form provides six pages including copies for Treatment, Storage, and Disposal Facilities (TSDFs) to submit manifests to both the state where the TSDF is located (the Destination state) and the state where the shipment originated and where the generator is located (the Generator state). Federal law requires TSDFs to submit copies to both states if so required by those states. This rulemaking clarifies our existing requirement that California TSDFs provide legible manifest copies to other states, if required by those states, and that out of state TSDFs are continued to be expected to submit manifest copies to DTSC.
- In addition, generators have been required to submit a page of the California manifest to the State since the early 1980's. The manifest form previously required by California specifically identified and provided one of the six pages of the manifest form for generators to submit to DTSC. The new federally mandated six-page form does not, however, provide a pre-printed page of the

form for use by generators in states that require generators to submit manifests. Nor does it allow states to require use of a seven page form.

Therefore, to continue the current California requirement, the regulation requires generators to submit a legible copy of the signed manifest to DTSC, rather than specifying a specific page from the form which must be submitted to DTSC.

Statutory Consistency:

Recent changes in State statute in the Health and Safety Code modified transportation related requirements but have not been integrated into the regulations. This package makes changes to be consistent with statute in the following sections:

- Health and Safety Code section 25160 requires the use and submission of manifests and Health and Safety Code sections 25123.3 and 25160 require the submission of manifest exception reports. Throughout these regulations, the new federal requirements needed to be modified, when allowed, to reflect different requirements of these State statutes. The proposed regulations implement all State statutory requirements and the new federal regulatory requirements.
- Health and Safety Code section 25160.2 provides for a category of transporters referred to as Consolidated Transporters. Load rejection requirements for these transporters were added by Assembly Bill (AB) 1348 in 2003 in Health and Safety Code section 25160.6, subdivision (e). Changes in statute have not previously been adopted into the regulations. These requirements have been added to California Code of Regulations, title 22, section 66263.24.
- Health and Safety Code section 25160.6 is more stringent regarding load rejections by permitted facilities and generator retention time for rejected wastes. Recent changes made by AB 1348 in 2003 have not previously been adopted into the regulations. These changes are now reflected in the amendments to California Code of Regulations, title 22, sections 66262.34, subsections (g) and (h), 66264.72, and 66265.72.
- Health and Safety Code section 25123.3 is more stringent and specific than federal requirements for exempt transfer facilities. Changes to statute made by AB 2251 in 2004 to Health and Safety Code section 25123.3, subdivision (b)(3) have not previously been adopted into the regulations. These changes have been added to California Code of Regulations, title 22, section 66263.18.

Provide Clear DTSC Addresses For Reporting and Correcting Regulatory Errors:

A number of existing regulatory reporting requirements do not specify where the manifest and international shipment documents should be mailed to within DTSC. Other addresses in the regulations were incorrect. Therefore, these regulations provide accurate and current addresses for the following purposes:

- Establish a single DTSC address for submission of existing manifest exception reports, significant discrepancy reports, and unmanifested waste reports; a central Report Repository. This change is made in sections 66262.42, subsection (d), 66262.55, subsection (c), 66264.72, subsection (c), 66264.76, subsection (a), 66265.72, subsection (c), and 66265.76, subsection (a). As these reports are already required, providing a mailing address is a non-substantive change.
- Update current regulatory information for submission of import and export notifications and documents by directing them to the Glendale Office, not to Sacramento. This change is made in sections 66262.53, subsection (c), 66262.56, subsection (b), 66264.12, subsection (a), and 66265.12, subsection (a).
- Update distribution information for purchase of current manifests for the remaining period prior to September 5, 2006 in Section 66262.20 subsection (a).

Adoption Date Insertions:

Following the format of the federal rulemaking, there are three citations that reference the adoption date of these regulations. We request that your office insert the adoption date in sections 66262.20, subsection (a), 66264.70, subsection (b), and 66265.70, subsection (b).

REGULATION SECTIONS AFFECTED

CHAPTER 10

SECTION 66260.10. Definitions.

1. Section 66260.10 "Bulk container": Amend this section to adopt federal changes in container size that were made in 40 Code of Federal Regulations sections 261.7 and 262.32. Specifically, the volume of a bulk container is changed from

110 gallons to 119 gallons. In addition, the metric measurement also now spells out liters and is changed from “416 L” to “450 liters.”

U.S. EPA explains this volume change as follows: “DOT standards were revised in 1991 to harmonize them with international requirements, which distinguished bulk from non-bulk packagings at a threshold of 450 L or 119 gallons (see 55 Fed. Reg. 52471 (Dec. 21, 1990).) To maintain consistency with DOT requirements, we proposed to revise the regulations so that they distinguish bulk from non-bulk containers at the 119 gallon threshold.” (70 Fed. Reg. 10790 (Mar. 4, 2005).)

California and U.S. EPA regulations are structured somewhat differently. U.S. EPA amended Code of Federal Regulations section 261.7 where the 110 gallon volume is cited in the federal regulations. The analogous State section, 66261.7, deals with contaminated containers, but does not include a quantified definition of the size of “bulk containers.” In California regulations, the comparable volume standard of 110 gallons is currently found in the definition of bulk container in 66260.10.

By amending the bulk container definition, the result is a change consistent with the required volume change made by the 40 Code of Federal Regulations section 261.7 amendments. With this change in the definition, state regulations will be consistent with the federal change to 119 gallons without changing section 66261.7 to conform to the new federal volume requirement.

2. Section 66260.10 “Consignment state”: Amend this section to add the definition of “Consignment state” to mean “the state to which the shipment is manifested.” The terms “consignment state”, “destination state”, and “generator state” were not defined in the federal regulations. They are defined here to meet the State clarity standard based on their use in the federal regulations. All three definitions take effect on September 5, 2006.

The “consignment state” is called the “destination state” on the manifest. The term “consignment state” is used in the federal manifest rulemaking in sections 262.21, paragraph (g), 264.71, paragraph (e), 265.71, paragraph (e), and 271.10, paragraph (h). This definition is added to meet the State clarity standard. Because the federal regulations use the term “consignment state” interchangeably with the term “destination state”, both terms are cross referenced to each other in the new California definitions, to ensure clear understanding by the public.

3. Section 66260.10 "Designated facility": Repeal the existing section and adopt amended language, both effective September 5, 2006. Amend the existing language to number the separate phrases within the existing definition of "designated facility" (1), (2), (3), (4), (5), and (6) so the text parallels the federal text in 40 Code of Federal Regulations section 260.10 and allow more specific referencing of these requirements.

Also amend this definition to add new language at the end of the existing definition. This change was adopted by U.S. EPA in the analogous section and is related to the changes in load rejection procedures and for returning container residues adopted in other sections. This federal amendment expands the scope of the existing definition in order to include generators who will be required by 40 Code of Federal Regulations section 262.34(m) to sign and handle manifests as the "designated facility" when receiving a load of rejected wastes or returned container residues. Additional adjustments were made to reference the equivalent State regulation citations in California Code of Regulations, title 22, section 66262.34, subsection (g).

Repeal as of September 5, 2006:

"Designated facility" means a hazardous waste transfer, treatment, storage, or disposal facility which has received a permit (or a facility with interim status) in accordance with the requirements of chapters 20 and 21 of this division, a permit from a State authorized in accordance with part 271 of 40 CFR, or that is regulated under chapter 16 of this division, or has received a permit, a grant of interim status, or a variance to operate without a permit or grant of interim status from the Department, or is otherwise authorized by law to receive specific hazardous wastes, and that has been designated on the manifest by the generator pursuant to section 66262.20. This definition is repealed as of September 5, 2006. "

Add:

" "Designated facility" also means a generator site designated on the manifest to receive its waste as a return shipment from a facility that has rejected the waste in accordance with sections 66264.72, subsection (f) or 66265.72, subsection (f). If a waste is destined to a facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, then the designated facility shall be a facility allowed by the Receiving state to accept such waste. This definition takes effect on September 5, 2006"

4. Section 66260.10: "Destination state" is used on the manifest form located in Appendix to Part 262 and in 40 Code of Federal Regulations section 262.21 to mean the state to which the shipment is manifested. It means the same as "Consignment state." See the explanation under "Consignment state". Amend this section to add the definition of "Consignment state" to mean "the state to which the shipment is manifested." The terms "consignment state", "destination state", and "generator state" were not defined in the federal regulations. They are defined here to meet the State clarity standard based on their use in the federal regulations. Add:

" "Destination state" see "Consignment state This definition takes effect on September 5, 2006. ". "

5. Section 66260.10: "Generator state" is a term used in the federal manifest rulemaking on the manifest form located in the Appendix to 40 Code of Federal Regulations Part 262 and in 40 Code of Federal Regulations sections 262.21, paragraph (g), 264.71, paragraph (e), 265.71, paragraph (e), and 271.10, paragraph (h). This definition is added to meet the California clarity standard. Also see discussion in definition of "Destination state." Amend to add:

" "Generator state" means the state where the waste is generated and from which the shipment originates. This definition takes effect on September 5, 2006."

6. Section 66260.10. Pursuant to federal regulations, repeal current definition of "Manifest" as of September 5, 2006 when the new federal manifest regulations are effective and the California State form number is preempted by the federal manifest form with a new numbering scheme. The current definition reads:

" "Manifest" means the shipping document, DHS 8022A, or the equivalent document required by the state to which the waste will be shipped, which is originated and signed by the generator in accordance with the instructions included in the appendix to chapter 12 of this division."

7. Section 66260.10: "Manifest" as a new definition effective September 5, 2006 is added to mirror the federal language, adjusted for State regulatory citations, and reference the statutory term from Health and Safety Code 25160 for manifests used in California:

" "Manifest" and "California Uniform Hazardous Waste Manifest" mean the shipping document, the Uniform Hazardous Waste Manifest, EPA Form 8700-22, (including, if necessary, the Continuation Sheet, EPA Form 8700- 22A),

originated and signed by the generator or offeror in accordance with the instructions in the appendix to chapter 12 of this division and the applicable requirements of Chapters 12 through 15 and in the appendix to 40 Code of Federal Regulations part 262 and the applicable requirements of 40 Code of Federal Regulations parts 262 through 265. This definition takes effect on September 5, 2006.”

8. Section 66260.10: “Manifest document number” is repealed as of September 5, 2006. The new federal regulations and the manifest form replace this term with “Manifest tracking number” and allow registered sources to print manifests and assign unique numbers instead of DTSC. Repeal:

“ “Manifest document number” means the unique number assigned to the manifest by the Department for recording and reporting purposes.”

9. Section 66260.10: “Manifest tracking number” is a new definition added by federal regulations, is found on the new manifest, and takes effect on September 5, 2006. Add this definition and date for clarity:

“ “Manifest tracking number” means the alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits), which is pre-printed in Item 4 of the Manifest by a registered source approved by U.S. EPA to print manifests under 40 Code of Federal Regulations section 262.21 (c) and (e). This definition takes effect on September 5, 2006.”

SECTION 66262.20. Generator Requirements.

1. Section 66260.20, subsection (a): Amend the paragraph to add “For shipments initiated before September 5, 2006” to continue the existing requirements until the new manifest regulations are effective.
2. Section 66260.20, subsection (a): Amend this paragraph to add “Before September 5, 2006” to correct the existing purchasing information and then limit use of this address and phone number until the new manifest regulations take effect. Replace an obsolete reference to the “Department of General Services” and its phone number and address. Adopt the correct phone number, “(916) 445-5357”, and address:

“Legislative Bill Room
State Capitol Room B-32
Sacramento, CA 95814”

3. Section 66260.20, subsection (a): Add the following two paragraphs to adopt changes made in the analogous federal language in 40 Code of Federal Regulations section 262.20, paragraph (a). In addition to the federal changes, non-substantive changes were made for clarity to add the date and add the names of the manifest and continuation sheet in addition to the form numbers.

“For shipments initiated on and after September 5, 2006, a generator, except those generators identified in subsection (a)(1), who transports, or offers for transport a hazardous waste for off-site transfer, treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, shall prepare a Uniform Hazardous Waste Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, a Continuation Sheet on EPA Form 8700-22A, according to the instructions included in the Appendix to chapter 12 of this division before the waste is transported off-site.

Compliance with the revisions to the Manifest form and procedures announced in the regulations published by EPA on March 4, 2005 as modified by regulations adopted on June 16, 2005 and these regulations adopted by the department on *(insert adoption date of this regulation)*, shall not be required until on and after September 5, 2006.”

SECTION 66262.21. Acquisition and Submission of Manifests.

1. Section 66262.21. Amend title to add “and Submission” to better describe the contents of this section. This is a non-substantive change. Consistent with current California statute (Health and Safety Code section 25160) and regulations, this section continues to require generators to submit copies of the manifest. This existing requirement is more stringent than federal regulations.

This section omits the detailed provisions of federal regulation regarding printer qualifications and applications. As only the federal government is authorized to approve manifest printers, there is no need to include that language in State regulations and its omission is non-substantive. A reference to those requirements is added to subsection (c). Federal provisions that specify the distribution of manifest pages are included in this section.

2. Section 66262.21, subsection (a): Amend this section that requires use of the consignment state’s manifest when the federal manifest takes effect. Repeal this subsection by adding at the end of the subsection:

“This subsection is repealed on September 5, 2006.”

3. Section 66262.21, subsection (b): Amend this section that requires use of the current California manifest to repeal it when the federal manifest takes effect. Repeal this subsection by adding at the end of the subsection:

“This subsection is repealed on September 5, 2006.”

4. Section 66262.21, subsection (c): Add new subsection that references the manifest form and continuation sheet to be required on and after September 5, 2006. The terms and form numbers are the same as those used in 40 Code of Federal Regulations section 261.21. For clarity, this amendment summarizes and clarifies the form names, numbers, and the requirement that they be printed by a registrant approved by U.S. EPA. It parallels the references in subsection (b) which is repealed. Add:

“(c) For shipments initiated on and after September 5, 2006, a generator shall use the Uniform Hazardous Waste Manifest, EPA Form 8700-22, and, if necessary, a Continuation Sheet, EPA Form 8700-22A, printed by a registrant in accordance with 40 Code of Federal Regulations section 262.21. No previous manifest form versions may be used for shipments initiated on and after September 5, 2006. A registrant may not print, or have printed, the manifest for use or distribution unless it has received approval from the U.S. EPA Director of the Office of Solid Waste pursuant to 40 Code of Federal Regulations section 262.21(c) and (e)”.

5. Section 66262.21, subsection (d): Amend this section to add a summary of the requirements in 40 Code of Federal Regulations section 262.21 for the printing of manifests. The listing of the specific copies and distribution were necessary for clarity. The specific instructions for printing manifests and applying to be approved by U.S. EPA were omitted from the State regulations as unnecessary. State government plays no role in manifest printing and the federal regulations are sufficient. This is a non-substantive omission. The listing of copies is found in 40 Code of Federal Regulations section 262.21, paragraph (f)(6). This paragraph added is:

“(d) Each copy of the manifest and continuation sheet shall indicate how the copy shall be distributed, as follows:

Page 1: (top copy): “Designated facility to destination State (if required)”.

Page 2: “Designated facility to generator State (if required)”.

Page 3: “Designated facility to generator”.

Page 4: “Designated facility’s copy”.

Page 5: “Transporter’s copy”.

Page 6: (bottom copy): "Generator's initial copy".

6. Section 66262.21, subsection (e): Amend this section to add a subsection specifying the sources for generator to obtain manifests after the new federal manifest is in effect. It copies the requirements in 40 Code of Federal Regulations section 262.21, paragraph (g) for the sources of manifests, making a slight change in the citation to include a more complete federal reference. Add:

"(e)(1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from U.S. EPA to print the manifest under 40 Code of Federal Regulations section 262.21(c) and (e). A registered source may be a:

- (A) State agency;
- (B) Commercial printer;
- (C) Hazardous waste generator, transporter or TSD; or
- (D) Hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.

(2) A generator shall determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under these states' authorized programs.

(3) Generators also shall determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator shall supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states."

7. Section 66262.21, subsection (f): This section is declarative of current requirements regarding submission of manifests by generators using the equivalent of a California manifest. Currently, all generators using the California manifest or California generators shipping waste out of state using another state's manifest are required to submit manifest copies to DTSC. This section restates and clarifies that requirement in the context of the new Uniform Hazardous Waste Manifest that replaces states' individual manifests. U.S. EPA does not require submission of manifests but does not prohibit states from requiring the submission of manifests. California already requires submission of manifests by generators.

This amendment also provides the DTSC manifest submittal address. This address was previously included on the California manifest in the Appendix the Chapter 12 and is moved to this location for clarity. This amendment moves the address to the regulation text because U.S. EPA preempted state information on

the manifest. This is not a new requirement or address. Amend this section to add:

“(f) Manifests shall be submitted to the department by any generator when the waste is generated in California or is transported to a designated facility located in California. The generator manifest copy shall be submitted to the Department for every shipment on a manifest when California is either the generator state or the destination state or consignment state. The generator manifest copy shall be mailed to:

DTSC Generator Manifests
P. O. Box 400
Sacramento, CA 95812-0400”

SECTION 66262.22. Number of Copies.

1. Section 66262.22. Repeal this section because the requirements were moved to 40 Code of Federal Regulations section 262.21 by the federal regulations. The federal regulations no longer have section 262.22. The copy number and composition were preempted by the federal manifest regulations. Repeal this title and text:

“§66262.22. Number of Copies.

The manifest consists of at least six copies which will provide the generator with two copies, the transporter with one copy, the owner or operator of the designated facility with one copy and the Department with two copies.”

SECTION 66262.23. Use of the Manifest.

1. Section 66262.23, subsection (a): With the creation of a national manifest it is necessary to describe what manifests are currently required to be submitted to the State of California. Currently, all generators using a California manifest or generators located in California and shipping out of state are required to submit a manifest copy to DTSC. The amendment adds the clarification “or into California”, which continues to apply to the requirement to submit manifests to generators located in or sending hazardous waste into California. This language solely clarifies the existing requirement in the context of the new federal manifest form.
2. Section 66262.23, subsection (a)(3): Amend this section to change “two copies” to “one copy” because of federal regulation change only requires generators to

retain one of the six pre-printed manifest pages. Refer to 66262.21, subsection (d) for the distribution of the six manifest pages.

3. Section 66262.23, subsection (a)(4): Amend to add “; and” to allow for addition of new paragraph (5)
4. Section 66262.23, subsection (a)(5)(A) and (B) : Add paragraph to relocate the existing direction on how generators should describe hazardous wastes on manifests that are not regulated by either U.S. EPA or U.S. DOT. This existing requirement is currently found in Item 11 in the manifest instructions found in the Appendix to chapter 12. This is not a new requirement, but only restates existing instructions to reduce confusion and ensures that U.S. DOT description requirements are followed.

The existing language is modified to correct an out-of-date citation reference in the existing instructions to Appendix X (e). The corrected citation is (b). In addition, clarification is added in the initial text and in (B) that this description only is to be used when there is no U.S. DOT description for the waste. Add the following text:

“ (5) on or after September 5, 2006, for hazardous waste that is not regulated as a hazardous waste by the U.S. EPA (non-RCRA waste), describe these wastes in Item 9b of the manifest or Item 27b of the continuation sheet as follows:

(A) describe non-RCRA hazardous wastes which do not have a U.S. DOT description indicating a generic name of the waste and the phrase “Non-RCRA hazardous Waste, Solid” or “Non-RCRA Hazardous Waste, Liquid” for solid or liquid wastes, respectively. When possible, the generic name shall be obtained from chapter 11, Appendix X, subsection (b) of this division. If not listed in chapter 11, Appendix X, subsection (b) of this division, the commonly recognized industrial name of the waste shall be used.

(B) describe non-RCRA hazardous wastes which have a U.S. DOT description by the U.S. DOT description, and.”

5. Section 66262.23, subsection (a)(6): For clarity, this amendment provides State regulatory references to the EPA hazardous waste numbers and California hazardous waste code numbers. Previously, this information was found in the Instructions for Item I on the California manifests. There is no change to the requirements. Add:

“(6) The EPA hazardous waste number, if applicable, can be found in chapter 11, articles 3 and 4 and the California Hazardous Waste Code Number can be found in chapter 11, Appendix XII.”

SECTION 66262.27. Waste Minimization Certification.

1. Section 66262.27, subsections (a) and (b). Add this new section and subsections (a) and (b) to be consistent with new federal manifest regulations:

“A generator who initiates a shipment of hazardous waste shall certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:

(a) “I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;” or

(b): “I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.” ‘

2. Section 66262.27, subsection (c): Add this section to the federal text to specify the effective date. For clarity, the State regulations include the date in each section. Add the text:

“(c) This section is effective on and after September 5, 2006.”

3. Section 66262.27, Authority: As this is a new section, add the basic authorities: “Authority: Sections 25150, 25159 and 25161, Health and Safety Code”.
4. Section 66262.27, Reference: As this is a new section, add these references: “Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 Code of Federal Regulation Section 262.27.”

SECTION 66262.32. Marking.

1. Section 66262.32, subsection (b)(1): Amend this section to add numbering for paragraph (1) and to sunset the current requirements for container marking by adding “(1) Before September 5, 2006.”
2. Section 66262.32, subsection (b)(2): Adopt the new federal marking requirement. Modify the federal text with a non-substantive change to add the date in the section for clarity. As in current regulations, list the name of the

“Department of Toxic Substances Control” to be notified in addition to U.S. EPA if the container is found. The current marking requirement in (b)(1) already lists the name of DTSC.

The federal regulations increased the volume limit from 110 gallons to 119 gallons for marking containers used in transportation, added the Generator’s EPA ID number, and changed the term “Manifest Document Number” to “Manifest Tracking Number” consistent with changes made in the definitions section 66260.10 and on the manifest. The state text currently uses the term “displayed” after “information” for clarity. This amendment retains that existing clarifying addition to the federal language. Add subsection (b)(2) to add:

“On and after September 5, 2006, before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall mark each container of 119 gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of 49 Code of Federal Regulations section 172.304;

HAZARDOUS WASTE-State and federal Law Prohibit Improper Disposal. If found, contact the nearest police or public safety authority, the U.S. Environmental Protection Agency or the California Department of Toxic Substances Control.

Generator’s Name and Address _____
Generator’s EPA Identification Number _____
Manifest Tracking Number _____”

SECTION 66262.33. Placarding.

1. Section 66262.33: Amend existing language to be consistent with federal language. Note: this section was further amended by the June 2005 federal cleanup package, 70 Fed. Reg. 35034 (6/16/06), and one of the amendments to 40 Code of Federal Regulations section 262.33 reversed the original March amendment made by 42 Fed. Reg. 10776 (3/4/05) to this section. The June change deleted the last sentence that was added in March. The text adopted here is consistent with the June amendment. Amend this section to remove:

“a generator shall ensure that the transport vehicle is correctly placarded”

and add

“a generator shall placard or offer the initial transporter the appropriate placards”.

SECTION 66262.34. Accumulation Time.

1. Section 66262.34: Federal numbering in this section is different because of existing regulatory requirements and the inclusion of statutory load rejection requirements in this rulemaking. For example, subsection (g) is numbered subsection (m) in the federal regulations.
2. Section 66262.34, subsection (g): Amend this subsection to provide new federal manifest requirements for generators that receive shipments of rejected loads and container residues. The language is the same as the federal regulation with the exception of two non-substantive changes needed to reflect existing State requirements. First, the addition of the reference to State statute in Health and Safety Code section 25160.6, subdivision (e) is needed because this statute creates an exception from this generator time limit for consolidated transporters who are shown on manifests as the generator. They are allowed a reduced time period of 10 days to make arrangements to ship the rejected waste or container residues to a different facility. The statutory requirements for consolidated transporters related to load rejections are amended into the new section 66263.24, which includes requirements already adopted in statute.

The second State change in subsection (g) authorizes a generator who receives a shipment back from the designated facility as a rejected load or container residue to accumulate the returned waste on-site for 90 days or less. This 90 day requirement is more stringent than the federal regulation in 40 Code of Federal Regulations section 262.34, (m) because Health and Safety Code section 25160.6, subdivision (d) allows generators 90 days before they are required to ship the waste to a designated facility. The federal regulations allow generators to hold waste for as long a period as their waste generation volume rates allow, which could be as long as 270 days.

“(g) This subsection takes effect on September 5, 2006. Except as provided in Health and Safety Code section 25160.6, subdivision (e), a generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of sections 66264.72 or 66265.72 may accumulate the returned waste on-site for 90 days or less, in accordance with the requirements of paragraph (1) of subsection (a) of this section. Upon receipt of the returned shipment, the generator shall:”

3. Section 66262.34, subsection (g)(1) and (2): Paragraphs (1) and (2) of this subsection mirror federal requirements exactly by requiring the generator to sign

and date the manifest. The manifest Item numbers vary depending on the circumstances of the rejection. Add the following text:

“(1) sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

“(2) sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest;”

4. Section 66262.34, subsection (g)(3): This paragraph is adopted to ensure consistency with Health and Safety Code section 25160, which requires submission of manifests to DTSC by generators and facilities, which go beyond the federal requirements. This amendment reiterates that requirement in this new subsection (g) addressing rejected loads or container residues. It is needed for clarity but is non-substantive. It also requires submission of these manifests to the facility address. The requirement of subsection (g) paragraph (3) for generators acting as a TSDF to submit a manifest derives from Health and Safety Code section 25160.6, subdivision (f). Add this text:

“ (3) submit a copy of the signed manifest to the Department within 30 days of receipt. Mail the legible manifest copy, specifically the Designated Facility-to-Destination State manifest copy (Page 1 of the manifest as provided in section 66262.21, subsection (d)) to:

DTSC Facility Manifest
P.O. Box 3000, Sacramento, CA
95812-3000”

5. Section 66262.34, subsection (h): Adopts State requirements in addition to the federal regulations in order to be consistent with Health and Safety Code section 25160.6, subdivision (d). This section requires the generator receiving rejected waste to label or mark the waste to indicate it was rejected and addresses the handling of rejected waste that is commingled with newly generated waste by limiting the accumulation time to the shorter allowed time of the two wastes. Amend to add this text:

“(h) The generator of the rejected hazardous waste shall label or mark the hazardous waste in a manner that indicates that it is rejected hazardous waste and shall include the date it was received by the generator. If the generator of the rejected hazardous waste commingles it with other hazardous wastes, the shorter of any applicable accumulation time limits shall apply to the commingled hazardous waste.”

6. Section 66262.34 Authority cited: In order to more completely reference applicable statutes, amend to add "25160.6," to the Health and Safety Code authority cited.
7. Section 66262.34 Reference: In order to more completely reference applicable statutes, amend to add "25160.6," to the Health and Safety Code references.

SECTION 66262.42. Exception Reporting.

1. Section 66262.42, subsection (c): This subsection adds a statutory category of exception reporting to the regulations for clarity. Health and Safety Code section 25123.3, subdivision (h) was amended to allow a reduced standard for exemption reporting and other requirements for smaller generators who meet the requirements of that statute. By bringing this requirement into the regulations, it will be easier for the regulated community to locate all requirements related to manifest exception reporting. These reports are critical in that they are the generator's notification to the State that a shipment has not been received in a timely manner. Add this text :

" (c) A generator meeting the requirements of paragraph (1) of Health and Safety Code section 25123.3, subdivision (h) who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the facility to which the generator's waste is submitted, within 60 days from the date that the hazardous waste was accepted by the initial transporter, shall submit to the department a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery."

2. Section 66262.42, subsection (d): This subsection is added to provide an address for submission of this exception report to DTSC. DTSC is establishing a Report Repository within the Generator Information Services Section (GISS) to collect already required manifest-related reports. This is a change for clarity's sake only and is not a substantive change in the reporting requirement. This change is also made for other reports in sections 66262.55, subsection (c), 66264.72, subsection (c), 66264.76, subsection (c), 66265.72, subsection (c), and 66265.76, subsection (a). This change provides clarification, and the non-substantive addition of an address to an existing report requirement. Add:

"(d) Generators shall submit the exception report or information to the Department at:

DTSC Report Repository

Generator Information Services Section
P.O. Box 806
Sacramento, CA 95812-0806”

3. Section 66262.42 Reference: In order to more completely reference applicable statutes, amend to add “25123.3 (h),” to the Health and Safety Code references.

SECTION 66262.53. Notification of Intent to Export.

1. Section 66262.53, subsection (a)(2)(A): This section is not changed by the federal rulemaking. Amend these provisions for clarity and as a non-substantive change to provide a more complete State citation to direct the generator to the location of the list of California Waste Codes and to parallel other references.
Add:
“(from chapter 11, Appendix XII)”
2. Section 66262.53, subsection (a)(2)(C): Amend this subsection to delete reference to the current California manifest form and form number, which was preempted by the federal regulation.
3. Section 66262.53, subsection (a)(2)(C): This section is not changed by the federal rulemaking. Amend this subsection for clarity and as a non-substantive change to provide a correct State citation to direct the generator to the location of the Appendix at the end of chapter 12 where the manifest and instructions are located. Delete inappropriate reference to “section 66262” and add “chapter 12”.
4. Section 66262.53, subsection (c): This section is not changed by the federal rulemaking. Amend this subsection for clarity and as a non-substantive change to provide a change in address for submission of this report by deleting the Sacramento address and directing submissions to the “Import/Export Coordinator, Department of Toxic Substances Control, Hazardous Waste Management Program, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205”.

SECTION 66262.54. Special Manifest Requirements.

1. Section 66262.54, subsection (c): In keeping with the dating convention used throughout the regulations, amend the paragraph to add “for shipments initiated before September 5, 2006” to continue the existing requirements until the new federal manifest regulations are effective. This is a non-substantive change.

2. Section 66262.54, subsection (c): For shipments initiated after the effective date of the federal regulations, add new federal requirements regarding international shipment information on the manifest. The language is the same as the federal language with the addition of “for shipments initiated.” This phrase is added to clarify that the changes do not apply to shipments being transported on September 5 if the shipment was initiated before September 5, 2006. Amend this subsection to add:

“For shipments initiated on and after September 5, 2006, in the International Shipments block, the primary exporter shall check the export box and enter the point of exit (city and State) from the United States.”

3. Section 66262.54, subsection (d): For clarity, amend the paragraph to add “for shipments initiated before September 5, 2006” to continue the existing requirements until the new federal manifest regulations are effective.
4. Section 66262.54, subsection (d): For shipments initiated after the effective date of the federal regulations, add new federal requirement to require adding certification information in Item 15 on the manifest. Amend this subsection to add:

“For shipments initiated on and after September 5, 2006, this statement will be entered in Item 15”.

5. Section 66262.54, subsection (e): Amend the paragraph to add “for shipments initiated before September 5, 2006” to continue the existing requirements until the new federal manifest regulations are effective.
6. Section 66262.54, subsection (e): For shipments initiated after the effective date of the federal regulations, add the new federal requirement to direct where the exporter may obtain manifests. Amend this section to add

“For shipments initiated on and after September 5, 2006, the primary exporter may obtain the manifest from any source that is registered with the U.S. EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers).”

SECTION 66262.55. Exception Reports for Exporters.

1. Section 66262.55, Title: Amend to add “for Exporters” at the end of this title for improved clarity. This section is not modified for federal changes but to improve clarity and to distinguish this section from Section 66262.42 which is also titled

“Exception Reports”.

2. Section 66262.55, subsection (a): To be consistent with federal numbering formats, revised lettering to allow for adding a subsection to add statutory requirements impacting exporter reporting. Also change existing subsection (a) to paragraph (1) and subsection (b) to paragraph (2) and subsection (c) to paragraph (3).
3. Section 66262.55, subsection (b) Add a new subsection (b) to include statutory requirements in Health and Safety Code section 25160, subdivision (b)(3). Add text to read:

“ (b) For exports by water to foreign countries, if the generator has not received a copy of the manifest signed by all transporters and the facility operator 60 days after the initial shipment, the generator shall contact the owner or operator of the designated facility to determine the status of the hazardous waste and to request that the owner or operator immediately provide a signed copy of the manifest to the generator.”

4. Section 66262.55, subsection (c): This is a change to add a specific address for submitting existing manifest related reports from exporters. DTSC is adding a Report Repository to collect existing manifest-related reports. It is not a substantive change to designate a single address for submission of these reports. Section 66262.42, subsection (d) makes the same non-substantive change to improve clarity and compliance with domestic shipment requirements.

“(c) The primary exporter shall submit the exception report to the Department at:

DTSC Report Repository
Generator Information Services Section
P.O. Box 806
Sacramento, CA 95812-0806”

5. Section 66262.34, Reference: In order to more completely reference applicable statutes, amend to add “25160,” to the Health and Safety Code references.

SECTION 66262.56. Annual Export Reports.

1. Section 66262.56, Title: Amend to add “Export” to better describe the type of annual report. This section is not modified for federal changes but to improve clarity.

2. Section 66262.56, subsection (a)(4): For clarity and to provide parallel references, this amendment provides a specific regulatory references to the California hazardous waste code numbers that is currently missing from this section although a citation is provided for EPA hazardous waste numbers. Add:

“(chapter 11, Appendix XII)”
3. Section 66262.56, subsection (b): This section is not changed by the federal rulemaking. It is not a substantive change to designate a single address for submission of these export reports in California. Amend this subsection for clarity to provide a change in address for submission of this report by deleting the Sacramento address and directing submissions to the:

“Import/Export Coordinator, Department of Toxic Substances Control, Hazardous Waste Management Program, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205”.

SECTION 66262.60. Imports of Hazardous Waste.

1. Section 66262.60, subsection (a)(3): Amend the paragraph to add “for shipments initiated before September 5, 2006,” to continue the existing requirements until the new federal manifest regulations are effective.
2. Section 66262.60, subsection (c): Amend the paragraph to add “For shipments initiated before September 5, 2006,” to continue the existing requirements until the new federal manifest regulations are effective. Also amend this section to change “A” to “a”.
3. Section 66262.60, subsection (c): Add federal requirements for where importers may obtain the new federal manifests with the addition of a date per State clarity requirements. Add:

“For shipments initiated on and after September 5, 2006, a person who imports hazardous waste may obtain the manifest form from any source that is registered with the U.S. EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers).”
4. Section 66262.60, subsection (d): Add new federal requirements for where importers must check the box on the manifest and enter the city and State name of the point of entry. As discussed in the introduction, throughout these State regulations we add a date in each applicable section for clarity. The federal

regulations only added dates in three applicability sections which could lead to confusion in those referencing an isolated specific section. Add:

“(d) For shipments initiated on and after September 5, 2006, in the International Shipments block, the importer shall check the import box and enter the point of entry (city and State) into the United States.”

5. Section 66262.60, subsection (e): Amend this subsection to federal language requiring the importer to provide the transporter with an extra manifest for submission to U.S. EPA. The federal citations are changed to the analogous State citations. Add:

“(e) The importer shall provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to U.S. EPA in accordance with sections 66264.71, subsection (a)(3) and 66265.71, subsection (a)(3) of this division and 40 Code of Federal Regulations sections 264.71(a)(3) and 265.71(a)(3).”

APPENDIX TO CHAPTER 12

The primary action of the federal manifest regulations is to adopt a new federal manifest form, continuation sheet, and instructions found in this appendix and mandate their use nationally. Therefore, these regulations, effective September 5, 2006, repeal the entire existing Appendix, including the California Manifest Instructions, California Manifest form, Continuation Sheet instructions, and the Continuation Sheet form because they are fully preempted by U.S. EPA.

On September 5, 2006, replace the existing Appendix with a new Appendix containing the new federal manifest instructions, manifest form, continuation sheet instructions, and the continuation sheet form. These must all be adopted with exactly the same wording as adopted in the federal regulations. There is no discretion allowed by U.S. EPA in the contents of this Appendix and no editing is allowed.

Some of the contents of the current California Instructions being repealed are needed for clarity to help businesses complete manifests in California and for managing wastes not regulated by U.S. EPA. Therefore, the following existing instruction language is repealed here but is moved to other sections. This is not prohibited by U.S. EPA:

- Items 11 and 28 : Instructions on describing non-RCRA wastes that are also non-DOT hazardous materials on the current manifest is moved to section 66262.23, subsection (a)(5), Generator Use of the Manifest:

- Item I: Directions on where to find California waste codes. Item I refers to Table III, which can no longer be included on the manifest because of federal instruction uniformity. The regulations in section 66262.23, subsection (a)(6) direct generators to the regulatory citation for California waste codes, Appendix XII of chapter 11. For clarity we also added the reference for EPA hazardous waste codes.
- Item K: Directions on where to locate handling codes currently refer to Table IV on the manifest which was preempted by the federal rulemaking. The regulations in sections 66264.71 and 66265.71 refer facilities to the listing of federal Hazardous Waste Report Method Managing (HWRMM) codes which replace the State handling codes. They are published in 70 Federal Register 10776 (Mar. 4, 2005), page 10786-10787. That citation references the biennial publication of these codes in the *Hazardous Waste Report, Instructions and Forms (EPA Form 8700-13A/B)*.
- Addresses: The California manifest is printed showing the mailing addresses on the appropriate form pages for generators and facilities to use when submitting manifests to DTSC. These regulations move those addresses to section 66262.21, subsection (f) for generators and to sections 66264.71, subsection (a)(2)(F) and 66265.71, subsection (a)(2)(F) for facilities.
- References: Add references for the new federal HWRMM code sources to the reference section:

“Hazardous Waste Report, Instructions and Forms (EPA Form 8700-13A/B); and 70 Fed. Reg. 10776 (Mar. 4, 2005), p. 10786-10787.”

CHAPTER 13

SECTION 66263.18. Exempt Transfer Facility.

1. Section 66263.18. Title: Change the title by dropping “Exemption” at the end and insert “Exempt” before the existing words, “Transfer Facility.” This change to the title “Exempt Transfer Facility” is consistent with general usage and should make the provisions easier for transporters to locate. This is a State-initiated, non-substantive change. This section was not amended by the federal manifest regulation.

The additional amendments in this section make the regulations consistent with changes in statute made to Health and Safety Code section 25123.3. The statute prohibited operation of a transfer facility in residentially zoned areas, allowed longer time periods in agriculturally zoned areas (10 days compared to the previous 6 days), and required a buffer zone of 500 feet around special property uses. Transfer is prohibited within that buffer unless that use predated the effective date of the bill, January 1, 2005. Uses as an exempt transfer facility that started in an agricultural area on or after January 1, 2005 within a buffer zone is allowed but is limited to 6 days. These statutory changes are included in these regulations.

2. Section 66263.18, subsection (a) Amend the section to add the letter (a) as part of renumbering the following paragraphs and to delete “hazardous wastes are held for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority.” Add the introductory phrase referring to the new subsection (b): “hazardous waste is held as specified in subsection (b). These requirements are moved to (b)(1) below to be more consistent with Health and Safety Code section 25123.3.
3. Section 66263.18, subsection (a)(1): Amend this paragraph to change the “(a)” to “(1)” as part of the renumbering.
4. Section 66263.18, subsection (a)(2): Amend this paragraph to change the “(b)” to “(2)” as part of the renumbering.
5. Section 66263.18, subsection (b)(1) to (3): Amend this paragraph to be consistent with the requirements of Health and Safety Code section 25123.3, subdivision (b)(3):

“ (b) Hazardous waste is held at a transfer facility and any one of the following apply:

(1) if located in an area zoned by the local planning authority for industrial or agricultural land use, and hazardous wastes is held for 10 days or less, unless subject to subsection (b)(2).

(2) if located in an area zoned agricultural that commenced initial operations before January 1, 2005 and is located within 500 feet of a structure identified in subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (b) of Section 25232 of the Health and Safety Code, and hazardous waste is held for six days or less.

(3) if located on land zoned for other land use, unless subject to paragraph (1) and (2) of subsection (b) or not prohibited by subsection (c), and hazardous waste is held for six days or less.”

6. Section 66263.18, subsection (c)(1) and (2): Consistent with Health and Safety Code section 25123.3, subdivision (b)(3), add this subsection and two paragraphs to read:

“ (c) The transfer facility exemption of this section does not apply and is prohibited as follows:

(1) on property zoned residential; or

(2) at a transfer facility that commenced initial operations on and after January 1, 2005 and is located within 500 feet of a structure identified in subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (b) of section 25232 of the Health and Safety Code. “

7. Section 66263.18, Reference: Amend to add “25232,” to reference the newly cross-referenced section.

SECTION 66263.20. Manifest Procedures for the Transporter.

1. Section 66263.20, subsection (a): This is a non-substantive State change. Amend this section to add “or section 66262.84 of this division” so that both federal and State citations are referenced for tracking documents for Transfrontier Shipments of Hazardous Waste for Recovery Within the Organization for Economic Co-operation and Development (OECD)
2. Section 66263.20, subsection (d): Amend this section to add “to another transporter or to the” before “owner or operator” to be consistent with the existing requirements of subsection (g) that limit to whom a transporter can deliver hazardous waste. Also amend the same sentence to add the word “designated” before “hazardous waste facility”. This change is intended to be consistent with how the term “designated facility” is used on the manifest. This is a non-substantive State clarifying change.

3. Section 66263.20, subsection (f): At the end of the existing text, for clarity, add a specific address for transporters to submit the signed manifest copy. Add:

“The transporter shall submit this copy to the Department at:

DTSC Facility Manifests (Transporter Copy)
P.O. Box 3000
Sacramento, CA 95812-3000”

4. Section 66263.20, subsection (j): Amend this subsection, to delete “from the State of California” so that this requirement applies to all transporters who export hazardous waste from the United States regardless of exit point for consistency with the requirements of 40 Code of Federal Regulations section 263.20(g).

5. Section 66263.20, subsection (j)(1): Amend this section to add “for shipments initiated before September 5, 2006” and add the new federally mandated requirement referring to the International Shipments block in the new federal manifest effective on September 5, 2006. The State added the phrase “For shipments initiated on and after September 5, 2006” for clarity to specify that the old manifest can be used for shipments in transit as long as the shipment started before September 5. As a non-substantive clarifying change, the State also added a phrase to identify where the International Shipment block is located on the manifest in Item 16:

“For shipments initiated on and after September 5, 2006, sign and date the manifest in the International Shipments block (Item 16) to indicate the date that the shipment left the United States;”

6. Section 66263.20, subsection (j)(2): Add language to repeal the existing language when the new federal manifest requirements take effect. Add the new federal requirement and corrected State citation to export record keeping in 66263.22, subsection (d). Add:

“For shipments initiated on and after September 5, 2006, retain one copy in accordance with section 66263.22, subsection (d);”

7. Section 66263.20, subsection (j)(4): Add a limiting amendment so that transporters are only required to submit manifest copies to U.S. Customs when the waste is federally regulated RCRA waste. Add “for RCRA regulated hazardous waste,” before the existing requirement to “give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.”

SECTION 66263.21. Transporter Compliance with the Manifest.

1. Section 66263.21, subsection (b): Amend this subsection to add “For shipments initiated before September 5, 2006, if” and delete the existing capitalized “If”. This amendment preserves the current practice until the date the federal manifest goes into effect. This is a non-substantive change to the federal manifest regulation.
2. Section 66263.21, subsection (b)(1): In order to adopt required federal language, add the following paragraph which is identical to the analogous language in 40 Code of Federal Regulations section 263.21, paragraph (b)(1), except for the State’s addition of the date for clarity:

“(1) For shipments initiated on and after September 5, 2006, if the hazardous waste cannot be delivered in accordance with paragraph (a) of this section because of an emergency condition other than rejection of the waste by the designated facility, then the transporter shall contact the generator for further directions and shall revise the manifest according to the generator’s instructions.

4. Section 66263.21, subsection (b)(2): Add the following paragraph which is identical to the analogous language in 40 Code of Federal Regulations section 263.21, paragraph (b)(2), except for use of the State citations instead of the 40 Code of Federal Regulations citations in subparagraphs (A) and (B). In addition the phrase “from the facility” is added in order to specify where the transporter shall obtain the new manifest. Facilities are required by 66264.72 and 66265.72 to provide new manifests for load rejections.

“(2) If hazardous waste is rejected by the designated facility while the transporter is on the facility’s premises, then the transporter shall obtain the following:

(A) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility’s date and signature, and the Manifest Tracking Number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter shall retain a copy of this manifest in accordance with 66263.22, and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter shall obtain a new manifest from the facility to accompany the

shipment, and the new manifest shall include all of the information required in sections 66264.72 subsections (e)(1)-(6) or (f)(1)-(6) or 66265.72 subsections (e)(1)-(6) or (f)(1)-(6).

(B) For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and Identification Number for the alternate facility or generator to whom the shipment shall be delivered. The transporter shall retain a copy of the manifest in accordance with section 66263.22, and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter shall obtain a new manifest from the facility for the shipment and comply with sections 66264.72, subsection (e)(1)-(6) or 66265.72 subsection (e)(1)-(6)."

5. Section 66263.21, subsection (d): Amend this subsection for clarity to the transporter requirement to carry a new manifest for rejected waste and contaminated containers when the facility determines that they are waste. While the facility is required to prepare a new manifest consistent with generator requirements (sections 66264.72, subsection (e) and 66265.72, subsection (e)), the transporter is already prohibited by section 66263.20, subsection (a) from accepting waste for transport without a manifest.

Both State and federal citations are needed as some shipments handled by California transporters occur outside of California. This language was not adopted in the federal manifest regulations but is consistent with the load rejection requirements adopted in other federal sections and provides a cross reference to those sections. At the end of the subsection, add:

"If the vehicle or bulk container is not empty, the transporter shall not move the vehicle or bulk container without a new manifest prepared pursuant to sections 66264.72 or 66265.72 or, if the facility is out of state, 40 Code of Federal Regulations sections 264.72 or 265.72."

SECTION 66263.24. Load Rejection and Consolidated Manifesting.

1. Section 66263.24: The creation of this new section is needed to include in regulations the requirement for handling load rejections by consolidated transporters that were added to Health and Safety Code sections 25160.2 and 25160.6, subdivision (e). This section also references Health and Safety Code section 25123.3, subdivision (b)(3) conditions. The amendments are also

needed to include all federal and State load rejection requirements in the regulations.

2. Section 66263.24, subsection (a): Add a new subsection to describe the scope and applicability of this section as follows:

“(a) This section applies to registered transporters operating pursuant to Health and Safety Code section 25160.2 and that are authorized by the department to operate as a consolidated transporter.”

3. Section 66263.24, subsection (b): Add a new subsection to reflect the requirement of Health and Safety Code section 25160.6, subdivision (e) to read as follows:

“(b) When a consolidated shipment is rejected by an offsite hazardous waste facility, the consolidated transporter may hold that shipment on the transport vehicle at the transporter’s facility for no more than 10 days from the date of the shipment is rejected, consistent with paragraph (3) of subdivision (b) of section 25123.3 of the Health and Safety Code. The transporter may not commingle the consolidated shipment with any other waste.”

4. Section 66263.24, Authority cited: Add authority for the new section:

“Authority cited: Sections 25150, 25160, and 58012, Health and Safety Code.”

5. Section 66263.24, References: Add references for the new section:

“Reference: Sections 25123.3, 25160.2, and 25160.6 Health and Safety Code; and 40 Code of Federal Regulations Section 263.21.

SECTION 66263.32. Transporter Reporting Requirements for Missing Hazardous Waste of Concern.

1. Section 66263.32, subsection (a)(5): This section is a State only regulation mandated by Health and Safety Code section 25160.6 that require the reporting of discrepancies by transporters related to Hazardous Waste of Concern. This amendment is needed for manifests used after September 5, 2006 to update the cited manifest item numbers so that businesses report the same required information after the manifest change as they are required to do now. It imposes no new requirement. A consistent change is made in sections 66264.72, subsection (h)(5), 66265.72, subsection (h)(5), 66264.78, subsection (b)(5), and 66265.78, subsection (b)(5). Amend to add:

“
For shipments initiated on and after September 5, 2006, waste information (Items 9b, 10, 11, 12, and 13 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (found in the manifest Instructions in the Appendix to chapter 12, article 8), quantity or volume of waste at issue, weight or volume units, and waste codes”

CHAPTER 14

SECTION 66264.12. Required Notices.

1. Section 66264.12, subsection (a)(1): Amend this section for State required clarity by adding an address to submit the required export notice to the Department at the Glendale address. This is consistent with the changes made in sections 66262.53, 66262.56, and 66262.60. Add:

“The notification shall be sent to the Import/Export Coordinator, Department of Toxic Substances Control, Hazardous Waste Management Program, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205”.

SECTION 66264.70. Applicability.

1. Section 66264.70: Amend this section to add numbering for a subsection “(a)” so that the new federally required subsection (b) can be added.
2. Section 66264.70: Amend this section to add subsection (b) that is similar to the analogous federal citation in 40 Code of Federal Regulations section 264.70 and to be parallel to the federal language requiring compliance with the manifest changes on and after September 5, 2006. In addition, for clarity, DTSC added language listing the State regulation adoption date. Add subsection (b) to read:

“(b) Compliance with the revisions to the Manifest form and procedures announced in the regulation published by U.S. EPA on March 4, 2005 and by the Department on (insert adoption date of this regulation), shall not be required until on and after September 5, 2006.”

SECTION 66264.71. Use of Manifest System.

1. Section 66264.71, subsection (a): Renumber and rewrite this section to be consistent with the analogous federal language in 40 Code of Federal Regulations section 264.71, paragraph (a). Amend this section to add “(1)” after “(a)” and delete “(1)” later in the text.
2. Section 66264.71, subsection (a)(1): To be consistent with the analogous federal language in 40 Code of Federal Regulations section 264.71, paragraph (a), amend this section to refer to the newly added paragraph (2). Add “as indicated in paragraph (a)(2) of this section” to qualify.
3. Section 66264.71, subsection (a)(1): To be consistent with the analogous federal language in 40 Code of Federal Regulations sections 264.71, paragraph (a), amend this section to add:

“, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space”.
4. Section 66264.71, subsection (a)(2): To be consistent with the analogous federal language in 40 Code of Federal Regulations section 264.71, paragraph (a), add language:

“(2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator or the facility’s agent shall:”
5. Section 66264.71, subsection (a)(2): For clarity and to be consistent with existing State manifesting requirements that cover all facilities receiving waste on a California manifest, clarify that the requirement to submit a signed manifest to DTSC continues with the introduction of the new federal manifest form:

“including a facility located out of state,”
6. Section 66264.71, subsection (a)(2): To be consistent with the analogous federal language in 40 Code of Federal Regulations section 264.71, paragraph (a), add paragraph to read:

“(A) sign and date, by hand, each copy of the manifest;
7. Section 66264.71, subsection (a)(2): Renumber this paragraph to delete “(2)” and add “(B)”.

8. Section 66264.71, subsection (a)(2)(B): For improved grammar and clarity, move the reference to section 66264.72 subsection (a) to qualify the term “significant discrepancies” rather than locate it after “manifest”. Delete “as defined in section 66264.72 subsection (a)” from its current location and add “(as defined in section 66264.72, subsection (a))” after “discrepancies.”
9. Section 66264.71, subsection (a)(2)(B): Add a requirement to enter the most appropriate federal Hazardous Waste Report Management Method code. It is already a requirement for designated facilities in the new federal manifest instructions, in Items 19 and 36, to enter these codes on the manifest. These codes are discussed in more detail in the introductory part of this letter. For clarity, this facility manifesting requirement is incorporated into the other facility manifesting requirements in this section. By so doing, it does not create a new requirement. Violation of the requirement is easier to cite when included as a numbered section of regulations. The 28 federal codes are listed in a new Appendix II that is also for clarity referenced in this section: Add:

“, and enter the most appropriate Hazardous Waste Report Management Method codes for each waste listed on the manifest from the list published in the most recent *Hazardous Waste Report, Instructions and Forms* (EPA Form 8700-13A/B) and shown in Appendix II of chapter 14.”
10. Section 66264.71, subsection (a)(3): As part of the renumbering, amend this subsection to delete “(3)” and add “(C)”.
11. Section 66264.71, subsection (a)(4): As part of the renumbering, amend this subsection to delete “(4)” and add “(D)”.
12. Section 66264.71, subsection (a)(2): For consistency with federal numbering, relocate paragraph (6) and create subparagraph (E). Amend this section to add:

“(E) retain at the facility a copy of each manifest for at least three years from the date of delivery;”
13. Section 66264.71, subsection (a)(5): As part of the renumbering, amend this section to delete (5) and add “(F)”. Also amend this section to clarify the scope of the facility manifest requirement which is consistent with the existing practice and requirement that all facilities receiving California manifests or California facilities receiving manifests from other states submit manifest copies to DTSC. This requirement is found in section 66264.71, the current Manifest Instructions in the Appendix to chapter 12, and Health and Safety Code section 25160. As

waste becomes regulated when it enters the State from overseas or stops being regulated when it leaves the State for a foreign facility, this definition also requires the continued submission of import and export manifests that enter or leave the United States from California. The address is added consistent with the discussion in section 66262.21, subsection (f) and is moved from the printed California manifest form to the regulations for clarity. Add:

“The facility manifest copy shall be submitted to the department for every shipment on a manifest when California is either the generator state or the destination state. The facility manifest copy shall be mailed to:

DTSC Facility Manifests
P.O. Box 3000
Sacramento, CA 95812-3000
; and”

14. Section 66264.71, subsection (a)(2)(G): To be consistent with the analogous federal language in 40 Code of Federal Regulations section 264.71, paragraph (a), add the requirement that facilities determine if the consignment or generator state handling wastes as hazardous beyond the federal program. It also requires facilities to determine if consignment or generator states require submission of manifests from other states or from a foreign source. Add:

“(G) a facility shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. Facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.”

15. Section 66264.71, subsection (a)(6): Delete entire paragraph because it is renumbered and moved to subparagraph (E):

“(6) retain at the facility a copy of each manifest for at least three years from the date of delivery.”

16. Section 66264.71, subsection (b)(4): The federal regulation wording regarding use of shipping papers instead of manifests was different than existing State wording although the intent is the same. Amend subsection to add the federal language:

“or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery)”.

17. Section 66264.71, subsection (b)(4): There is no legal or policy change in this rewrite. This subsection was rewritten for consistency with federal language. Delete the existing State language at the end of the paragraph:

“; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or the facility’s agency, shall send a copy of the shipping paper signed and dated to the generator.

18. Section 66264.71, subsection (d): This language deals with imported waste. Add new federal requirement that the designated facility submit a signed manifest to U.S. EPA at a specified address. DTSC added clarifying language that this manifest submittal is in addition to the requirement to submit a manifest to DTSC. The regulations clarify that the federal requirement for facilities to submit imported waste manifests to U.S. EPA only applies to hazardous wastes that are federally regulated. Therefore, facilities are not required to submit to U.S. EPA manifests for waste that are only regulated as hazardous by California. Manifests for all waste imported to California are already required to be submitted to DTSC. Add:

“(d) In addition to submitting a copy of the manifest to the department, if a facility receives federally regulated hazardous waste imported from a foreign source, the receiving facility shall mail a copy of the manifest to the following address within 30 days of delivery: International Compliance Assurance Division, OFA/OECA (2254A), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.”

19. Section 66264.71, subsection (d): As part of the renumbering, amend this subsection to delete “(d)” and add “(e)”.
20. Section 66264.71, subsection (e): Per changes in the federal regulations and mailing addresses, amend this subsection to delete “401 M Street, SW” and add “1200 Pennsylvania Ave.”
21. Section 66264.71, subsection (e): As part of the renumbering, amend this section to delete “(e)” and add “(f)”.
22. Section 66264.71, subsection (f): As part of the renumbering, amend this subsection to delete “(f)” and add “(g)”. This existing subsection (f) described transporter requirements when dealing with bulk containers that cannot be emptied. This section does not have a direct federal equivalent. For clarity, the regulations add a reference to the facility sections that also deal with manifesting

of vehicles or bulk containers that are not empty. Add:

“If the vehicle or bulk container is not empty, the transporter shall not move the vehicle or bulk container without the designated facility preparing a new manifest prepared pursuant to section 66264.72 or 40 Code of Federal Regulations section 264.72, if located out of state.”

23. Section 66264.71, subsection “(g)”: As part of the renumbering, amend this subsection to delete “(g)” and add “(h)”.
24. References: Add references for the new federal HWRMM code sources to the reference section:

“Hazardous Waste Report, Instructions and Forms (EPA Form 8700-13A/B); and 70 Federal Register 10776 (Mar. 4, 2005), p. 10786-10787.”

SECTION 66264.72. Manifest Discrepancies.

1. Section 66264.72: The existing language for manifest discrepancies is renumbered and text added for consistency with changes in the analogous federal language in 40 Code of Federal Regulations section 264.72.
2. Section 66264.72, subsection (a)(1): To be consistent with the analogous federal language in 40 Code of Federal Regulations section 264.71, paragraph (a), add “(1) Significant” before the existing word “differences” and add a reference to the definition of significant discrepancies by adding:

“(as defined by paragraph (b) of this section)”.
3. Section 66264.72, subsection (a)(2) and (3): Add paragraphs (2) and (3) to define a manifest discrepancy to include rejected wastes in (2) and container residues in (3) per the analogous 40 Code of Federal Regulations section 264.72, paragraphs (a)(2) and (3). Because existing State empty container standard found in section 66261.7 are more stringent than the federal requirement, these regulations add the state reference to this manifesting requirement for containers that are not empty. Add:

“(2) Rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDf cannot accept; or”

“(3) Container residues, which are residues that exceed the quantity limits for “empty” containers set forth in 40 Code of Federal Regulations section 261.7(b)

or section 66261.7 of this division.”

4. Section 66264.72, subsection (b): Amend this subsection to reflect the renumbering with the analogous 40 Code of Federal Regulations section 264.72 subsection by adding “(b)” and deleting the imbedded “(1) for” and adding “For” and deleting the imbedded “and (2)”. Add the word “or” in the last line between “waste acid” and “toxic constituents” to mirror the federal language.
5. Section 66264.72, subsection (c): Amend this subsection to reflect the renumbering with the analogous 40 Code of Federal Regulations subsection and add “in quantity or type” in order to be consistent with the new federal language and the language in the amended subsection (a)(1).
6. Section 66264.72, subsection (c): The current language requires facilities to submit a Significant Discrepancy Report to DTSC, but does not provide an address. DTSC is establishing a Report Repository within the GISS to collect manifest related reports. This is a change for clarity’s sake only and is not a substantive change in the reporting requirement. This change is also made for other reports in sections 66262.42, subsection (d), 66262.55, subsection (c), 66265.72, subsection (c), 66264.76, subsection (c) and 66265.76, subsection (a). This change provides clarification, and the non-substantive addition of an address to an existing report requirement. Add:

“Significant Discrepancy Reports should be mailed to:

DTSC Report Repository
Generator Information Services Section
P. O. Box 806
Sacramento, CA 95812-0806”

7. Section 66264.72, subsection (d)(1): This paragraph contains amendments for federal consistency and for consistency with existing, more stringent State regulations. Add the text from the analogous federal citation in 40 Code of Federal Regulations section 264.72, paragraph (d) that require the designated facility to contact the generator after rejecting wastes or identifying contaminated containers. It also adds the State reference for empty containers (section 66261.7). Add:

“(d)(1) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for “empty” containers set forth in 40 Code of Federal Regulations section 261.7(b) or section 66261.7 of this division, the facility shall consult with the generator prior to forwarding the waste to another facility that can manage

the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility may return the rejected waste or residue to the generator.”

8. Section 66264.72, subsection (d)(1): In addition to the above addition, this paragraph is amended to be consistent with Health and Safety Code section 25202 regarding permit conditions and section 25200.19 regarding facilities holding hazardous waste outside permitted units.

The analogous section of federal regulations allows facilities to retain rejected wastes on container residue for 60 days, with no restrictions. In California, the restrictions of a permit take precedent over general standards in the regulations. Therefore, to reflect existing California limits, this amendment modifies the federal 60 day period as follows: “the time frame specified in the permit or 60 days, whichever is shorter”. In addition to setting time limits, the State requires management of the waste consistent with the facility’s permit. This language is needed because some permits may be more stringent given the conditions at a facility.

Lastly, Health and Safety Code section 25200.19 limits to 10 days the time period facilities can hold hazardous waste in an area outside the permitted units. This reference to section 25200.19 is added in this paragraph to further qualify the 60-day period authorized by the federal regulations. These changes solely combine references to existing requirements to qualify the new federal 60-day limit. All of these issues are combined in the following language:

“The facility shall send the waste to the alternative facility or to the generator within the time frame specified in the permit or 60 days, whichever is shorter, of the rejection or the container residue identification. The waste shall be managed consistent with any applicable permit conditions. The waste shall be handled consistent with the requirements of section 25200.19 of the Health and Safety Code.

9. Section 66264.72, subsection (d)(2): Add this paragraph as found in the federal regulations with no change:

“(2) While the facility is making arrangements for forwarding rejected wastes or residues to another facility under this section, it shall ensure that either the delivering transporter retains custody of the waste, or, the facility shall provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under paragraph (e) or (f) of this section.”

10. Section 66264.72, subsection (e)(1) to (7): Amend to add this subsection that implements federal requirements for manifesting rejected wastes or container residues to an alternate facility. The only non-substantive State change is the addition of a State citation (section 66262.20, subsection (a)) in addition to the federal citation for generator manifesting requirements. Add:

“ (e) Except as provided in paragraph (e)(7) of this section, for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility is required to prepare a new manifest in accordance with section 66262.20, subsection (a) of this division or 40 Code of Federal Regulations section 262.20(a), if located out of state, and the following instructions:

 - (1) Write the generator's EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.
 - (2) Write the name of the alternate designated facility and the facility's EPA ID number in the designated facility block (Item 8) of the new manifest.
 - (3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.
 - (4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).
 - (5) Write the U.S. Department of Transportation description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.
 - (6) Sign the Generator's/Offeror's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation.
 - (7) For full load rejections that are made while the transporter remains present at the facility, the facility may forward the rejected shipment to the alternate facility by completing Item 18b of the original manifest and supplying the information on the next destination facility in the Alternate Facility space. The facility shall retain a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with paragraphs (e)(1), (2), (3), (4), (5), and (6) of this section.”
11. Section 66264.72, subsection (f)(1) to (7): Amend to add this subsection that implements federal requirements for manifesting rejected wastes or container residues back to the generator. The only State change is the addition of a State

citation (66262.20, subsection (a)) in addition to the federal citation for generator manifesting requirements. Add:

“ (f) Except as provided in paragraph (f)(7) of this section, for rejected wastes and residues that shall be sent back to the generator, the facility is required to prepare a new manifest in accordance with section 66262.20, subsection (a) of this division or 40 Code of Federal Regulations section 262.20(a), if located out of state, and the following instructions:

(1) Write the facility's EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.

(2) Write the name of the initial generator and the generator's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.

(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).

(5) Write the U.S. DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

(6) Sign the Generator's/Officer's Certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked and labeled, and is in proper condition for transportation.

(7) For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing Item 18a and 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility shall retain a copy for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with paragraphs (f)(1), (2),(3), (4), (5), and (6) of this section.”

12. Section 66264.72, subsection (g): Amend to add this new subsection that implements federal requirements for manifesting rejected wastes or container residues after the original manifest was signed and returned to the generator. The State amendments to the federal language adds the more stringent State definition of empty container (section 66271.7) and requires submission of the manifest revised by the facility to the State in addition to sending it to the

generator. This is consistent with existing State requirements that generator and facility manifests are submitted to DTSC. Add:

“ (g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for “empty” containers set forth in 40 Code of Federal Regulations section 261.7(b) or section 66261.7 of this division, after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility shall amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility shall also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest, and shall re-sign and date the manifest to certify to the information as amended. The facility shall retain the amended manifest for at least three years from the date of amendment, and shall within 30 days, send a copy of the amended manifest to the transporter and generator that received copies prior to their being amended. The facility shall submit a copy of the amended manifest within 30 days to the department at the address provided in section 66264.71, subsection (a)(2)(F).”

13. Section 66264.72, subsection (h): As part of the previous renumbering, amend subsection to renumber the current “(c)” to “(h)”.

14. Section 66264.72, subsection (h)(5): This section is a State only regulation requiring the reporting of discrepancies related to missing Hazardous Waste of Concern. This amendment is needed for manifests used after September 5, 2006 to update the cited manifest item numbers so that businesses report the same required information after the manifest change as they are required to do now. It imposes no new requirement. A consistent change is made in sections 66263.32, subsection (a)(5), 66265.72, subsection (h)(5), 66264.78, subsection (b)(5), and 66265.78, subsection (b)(5). Amend to add:

“ For shipments initiated on and after September 5, 2006, waste information (Items 9b, 10, 11, 12, and 13 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (found in the manifest instructions in the Appendix to chapter 12, article 8), quantity or volume of waste at issue, weight or volume units, and waste codes”

15. Section 66264.72, subsection (i): As part of the previous renumbering, amend subsection to renumber the current “(d)” to “(i)”.

16. Section 66264.72, Reference: Amend to add Health and Safety Code sections “25160.6” and “25200.19” and reference to the HWRMM code citation.

SECTION 66264.76. Unmanifested Waste Report.

1. Section 66264.76: Amend to add numbering for subsection “(a)” and renumber subsequent subsections (a) to (g) as (1) to (7).
2. Section 66264.76, subsection (a): The current language requires facilities to submit an Unmanifested Waste Report to DTSC, but does not provide an address. DTSC is establishing a Report Repository within the GISS to collect manifest related reports. This is a change for clarity’s sake only and is not a substantive change in the reporting requirement. This change is also made for other reports in sections 66262.42, subsection (d), 66262.55, subsection (c), 66264.72, subsection (c), 66265.72, subsection (c), and 66265.76, subsection (a). This change provides clarification, and the non-substantive addition of an address to an existing report requirement.

Additionally, in 40 Code of Federal Regulations section 265.76, paragraph (a), U.S. EPA dropped the use of the term “Unmanifested waste report”, which is also currently used in state regulations. The reporting requirement was not changed. This was not a mandatory change that states are required to adopt. DTSC has retained the current regulatory name for this report for clarity, tracking, and to simplify outreach to facilities. Add:

“at:

DTSC Report Repository
Generator Information Services Section
P.O. Box 806
Sacramento, CA 95812-0806”

3. Section 66264.76, subsection (a): Amend subsection to renumber “(a)” as paragraph “(1)”.
4. Section 66264.76, subsection (b): Amend subsection to renumber “(b)” as paragraph “(2)”.
5. Section 66264.76, subsection (c): Amend subsection to renumber “(c)” as paragraph “(3)”.

6. Section 66264.76, subsection (d): Amend subsection to renumber “(d)” as paragraph “(4)”.
7. Section 66264.76, subsection (e): Amend subsection to renumber “(e)” as paragraph “(5)”.
8. Section 66264.76, subsection (f): Amend subsection to renumber “(f)” as paragraph “(6)”.
9. Section 66264.76, subsection (g): Amend subsection to renumber “(g)” as paragraph “(7)”.

SECTION 66264.78. Reporting Hazardous Wastes of Concern Discovered To Be Missing While in Storage.

1. Section 66264.78, subsection (a)(5): This amendment is needed for manifests used after September 5, 2006 to update the cited manifest item numbers so that businesses report the same required information after the manifest change as they are required to do now. The current Manifest Item reference numbers will be incorrect on the manifest required to be used after September 5, 2006. It imposes no new requirement. Federal manifest regulations do not require reporting of hazardous wastes of concern, however, this is a State change necessitated by the changes to the Item numbers on the federal manifest. A consistent change is made in sections 66263.32, subsection (a)(5), 66264.72, subsection (h)(5), 66265.72, and 66265.78, subsection (b)(5). Amend this paragraph to add :

“ For shipments initiated on and after September 5, 2006, waste information (Items 9b, 10, 11, 12, and 13 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (found in the manifest Instructions in the Appendix to chapter 12, article 8), quantity or volume of waste at issue, weight or volume units, and waste codes”
2. Section 66264.78, subsection (c): At the end of the subsection, change the reference to 66264.72 “(d)” to “(i)” because of amendments added to that section. The contents of (d) and the same as the newly lettered (i).

APPENDIX II TO CHAPTER 14

Through the requirement imposed by the Federal manifest instructions, as amended in the Appendix to 40 Code of Federal Regulations Part 262, receiving facilities must use

Hazardous Waste Report Management Method codes to describe how hazardous wastes are handled at that facility. For clarity, DTSC is adding that requirement to a regulatory citation in section 66264.71, subsection (a)(2)(B) and adopting the 2005 version of these codes as a new Appendix II to chapter 14. The adoption of these codes is also discussed in the introductory pages of this letter.

These codes are published in the *2005 Hazardous Waste Report, Instructions and Forms* (EPA Form 8700-13A/B). DTSC expects that a subsequent section 100 rulemaking will be needed if and when U.S. EPA changes the 28 codes listed in the new Appendix II. Add:

“Appendix II -- Hazardous Waste Report Management Method Codes

The following Hazardous Waste Report Management Codes established by U.S. EPA are to be used by Designated Facilities in completing Item 19 on the manifest and Item 36 on the manifest continuation sheet on and after September 5, 2006.

<u>Codes</u>	<u>Hazardous Waste Report Management Method Codes</u> <u>Description</u>
	<u>Reclamation and Recovery</u>
<u>H010</u>	<u>Metals recovery including retorting, smelting, chemicals, etc.</u>
<u>H020</u>	<u>Solvents recovery</u>
<u>H039</u>	<u>Other recovery of reclamation for reuse including acid regeneration, organics recovery, etc.</u>
<u>H050</u>	<u>Energy recovery at this site -- use as fuel (includes on-site fuel blending)</u>
<u>H061</u>	<u>Fuel blending prior to energy recovery at another site</u> <u><u>Destruction or Treatment Prior to Disposal at Another Site</u></u>
<u>H040</u>	<u>Incineration--thermal destruction other than use as a fuel</u>
<u>H071</u>	<u>Chemical reduction with or without precipitation</u>
<u>H073</u>	<u>Cyanide destruction with or without precipitation</u>
<u>H075</u>	<u>Chemical oxidation</u>
<u>H076</u>	<u>Wet air oxidation</u>
<u>H077</u>	<u>Other chemical precipitation with or without pre-treatment</u>
<u>H081</u>	<u>Biological treatment with or without precipitation</u>
<u>H082</u>	<u>Adsorption</u>
<u>H083</u>	<u>Air or steam stripping</u>

- H101 Sludge treatment and/or dewatering**
- H103 Absorption**
- H111 Stabilization or chemical fixation prior to disposal at another site**
- H112 Macro-encapsulation prior to disposal at another site**
- H121 Neutralization only**
- H122 Evaporation**
- H123 Settling or clarification**
- H124 Phase separation**
- H129 Other treatment**

Disposal

- H131 Land treatment or application (to include on-site treatment and/or stabilization)**
- H132 Landfill or surface impoundment that will be closed as landfill (to include on-site treatment and/or stabilization)**
- H134 Deepwell or underground injection (with or without treatment)**
- H135 Discharge to sewer/POTW or NPDES (with prior storage--with or without treatment)**

Storage and Transfer

- H141 Storage, bulking, and/or transfer off site--no treatment/recovery (H010-H129), fuel blending (H061), or disposal (H131-H135) at this site**

Authority cited: Sections 25150, 25159, 25159.5 and 25168.1, Health and Safety Code.

Reference: Sections 25123.3, 25159, and 25159.5, Health and Safety Code and *Hazardous Waste Report, Instructions and Forms* (EPA Form 8700-13A/B); and 70 Fed. Reg. 10776 (Mar. 4, 2005), p. 10786-10787.

CHAPTER 15

SECTION 66265.12. Required Notices.

1. Section 66265.12, subsection (a)(1): Amend this section for required clarity by adding an address to submit the required export notice to the department. This is consistent with the changes made in sections 66262.53, 66262.56, and 66262.60. Add:

“The notification shall be sent to the Import/Export Coordinator, Department of Toxic Substances Control, Hazardous Waste Management Program, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205”.

SECTION 66265.70. Applicability.

1. Section 66265.70: Amend this section to add numbering for a subsection “(a)” so that the new federally required subsection (b) can be added.
2. Section 66265.70: Amend this section to add subsection (b) that is similar to the analogous federal citation in 40 Code of Federal Regulations section 265.70. To be parallel to the federal language requiring compliance with the manifest changes on and after September 5, 2006. In addition, for clarity, DTSC added language listing the State regulation adoption date. Add subsection (b) to read:

“(b) Compliance with the revisions to the Manifest form and procedures announced in the regulation published by U.S. EPA on March 4, 2005 and by the Department on (insert adoption date of this regulation), shall not be required until on and after September 5, 2006.”

SECTION 66265.71. Use of Manifest System.

1. Section 66265.71, subsection (a): Renumber and rewrite this section to be consistent with the analogous federal language in 40 Code of Federal Regulations section 265.71, paragraph (a). Amend this section to add “(1)” after “(a)” and delete “(1)” later in the text.
2. Section 66265.71, subsection (a)(1): To be consistent with the analogous federal language in 40 Code of Federal Regulations section 265.71, paragraph (a), amend this section to refer to the newly added paragraph (2). Add “as indicated in paragraph (a)(2) of this section” to qualify.
3. Section 66265.71, subsection (a)(1): To be consistent with the analogous federal language in 40 Code of Federal Regulations section 265.71, paragraph (a), amend this section to add

“, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space”.

4. Section 66265.71, subsection (a)(2): To be consistent with the analogous federal language in 40 Code of Federal Regulations section 265.71, paragraph (a), add language:

“(2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator or the facility’s agent shall:”

5. Section 66265.71, subsection (a)(2): For clarity and to be consistent with existing State manifesting requirements that cover all facilities receiving waste on a California manifest, clarify that the requirement to submit a signed manifest to DTSC continues with the introduction of the new federal manifest form:

“including a facility located out of state,”

6. Section 66265.71, subsection (a)(2): To be consistent with the analogous federal language in 40 Code of Federal Regulations section 265.71, paragraph (a), add paragraph to read: :

“(A) sign and date, by hand, each copy of the manifest;

7. Section 66265.71, subsection (a)(2): Renumber this paragraph to delete “(2)” and add “(B)”.

8. Section 66265.71, subsection (a)(2)(B): For improved grammar and clarity and as a State change, move the reference to section 66265.72, subsection (a) to qualify the term “significant discrepancies” rather than locate it after “manifest”. Delete “as defined in section 66265.72(a)” from its current location and add “(as defined in section 66265.72, subsection (a))” after “discrepancies.

9. Section 66265.71, subsection (a)(2)(B): Add a requirement to enter the most appropriate federal Hazardous Waste Report Management Method code. It is already a requirement for designated facilities in the new federal manifest instructions, in Items 19 and 36, to enter these codes on the manifest. These codes are discussed in more detail in the introductory part of this letter. For clarity, this facility manifesting requirement is incorporated into the other facility manifesting requirements in this section. By so doing, it does not create a new requirement. Violation of the requirement is easier to cite when included as a numbered section of regulations. The 28 federal codes are listed in a new Appendix II that is also for clarity referenced in this section: Add:

“, and enter the most appropriate Hazardous Waste Report Management Method codes for each waste listed on the manifest from the list published in the most

recent *Hazardous Waste Report, Instructions and Forms* (EPA Form 8700-13A/B) and shown in Appendix II of Chapter 14.”

10. Section 66265.71, subsection (a)(3): As part of the renumbering, amend this subsection to delete “(3)” and add “(C)”.
11. Section 66265.71, subsection (a)(4): As part of the renumbering, amend this subsection to delete “(4)” and add “(D)”.
12. Section 66265.71, subsection (a)(2): For consistency with federal numbering, relocate paragraph (6) and create a subparagraph (E). Amend this section to add:

“(E) retain at the facility a copy of each manifest for at least three years from the date of delivery;”

13. Section 66265.71, subsection (a)(5): As part of the renumbering, amend this section to delete (5) and add “(F)”. Also amend this section to clarify the scope of the facility manifest requirement which is consistent with the existing practice and requirement that all facilities receiving California manifests or California facilities receiving manifests from other states submit manifest copies to DTSC. This requirement is found in section 66264.71, the current Manifest Instructions in the Appendix to chapter 12, and Health and Safety Code section 25160. As waste becomes regulated when it enters the State from overseas or stops being regulated when it leaves the State for a foreign facility, this definition also requires the continued submission of import and export manifests that enter or leave the United States from California. The address is added consistent with the discussion in section 66262.21, subsection (f) and is moved from the printed California manifest form to the regulations for clarity. Add:

“The facility manifest copy shall be submitted to the department for every shipment on a manifest when California is either the generator state or the destination state. The facility manifest copy shall be mailed to:

DTSC Facility Manifests
P.O. Box 3000
Sacramento, CA 95812-3000
; and”

14. Section 66265.71, subsection (a)(2)(G): To be consistent with the analogous federal language in 40 Code of Federal Regulations section 265.71, paragraph (a), add the requirement that facilities determine if the consignment or generator

state handling wastes as hazardous beyond the federal program. It also requires facilities to determine if consignment or generator states require submission of manifests from other states or from a foreign source. Add:

“(G) a facility shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. Facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.”

15. Section 66265.71, subsection (a)(6): Delete entire paragraph because it is renumbered and moved to subparagraph (E):

“(6) retain at the facility a copy of each manifest for at least three years from the date of delivery.”

16. Section 66265.71, subsection (b)(4): The federal regulation wording regarding use of shipping papers instead of manifests was different than existing State wording although the intent is the same. Amend subsection to add the federal language:

“or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery)”.

17. Section 66265.71, subsection (b)(4): There is no legal or policy change in this rewrite. This subsection was rewritten for consistency with federal language. Delete the existing State language at the end of the paragraph:

“; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or the facility’s agency, shall send a copy of the shipping paper signed and dated to the generator.

18. Section 66265.71, subsection (d): This language deals with imported waste. Add new federal requirement that the designated facility submit a signed manifest to U.S. EPA at a specified address. DTSC added clarifying language that this manifest submittal is in addition to the requirement to submit a manifest to DTSC. The regulations clarify that the federal requirement for facilities to submit imported waste manifests to U.S. EPA only applies to hazardous wastes that are federally regulated. Therefore, facilities are not required to submit to U.S. EPA manifests for waste that are only regulated as hazardous by California. Manifests for all waste imported to California are already required to be submitted to DTSC. Add:

“(d) In addition to submitting a copy of the manifest to the department, if a facility receives federally regulated hazardous waste imported from a foreign source, the receiving facility shall mail a copy of the manifest to the following address within 30 days of delivery: International Compliance Assurance Division, OFA/OECA (2254A), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.”

19. Section 66265.71, subsection (d): As part of the renumbering, amend this subsection to delete “(d)” and add “(e)”.
20. Section 66265.71, subsection (e): Per changes in the federal regulations and mailing addresses, amend this subsection to delete “401 M Street, SW” and add “1200 Pennsylvania Ave.”
21. Section 66265.71, subsection (e): As part of the renumbering, amend this section to delete “(e)” and add “(f)”.
22. Section 66265.71, subsection (f): As part of the renumbering, amend this subsection to delete “(f)” and add “(g)”. This existing subsection described transporter requirements when dealing with bulk containers that cannot be emptied. This section does not have a direct federal equivalent. To avoid confusion and for clarity, the regulations add a reference to the facility sections that also deal with manifesting of vehicles or bulk containers that are not empty. Add:

“If the vehicle or bulk container is not empty, the transporter shall not move the vehicle or bulk container without the designated facility preparing a new manifest prepared pursuant to section 66265.72 or 40 Code of Federal Regulations section 265.72, if located out of state. “

23. Section 66265.71, subsection “(g)”: As part of the renumbering, amend this subsection to delete “(g)” and add “(h)”.
24. References: Add references for the new federal HWRMM code sources to the reference section:

“Hazardous Waste Report, Instructions and Forms (EPA Form 8700-13A/B); and 70 Fed. Reg. 10776 (Mar. 4, 2005), p. 10786-10787.”

SECTION 66265.72. Manifest Discrepancies.

1. Section 66265.72: The existing language for manifest discrepancies is renumbered and text added for consistency with changes in the analogous federal language in 40 Code of Federal Regulations section 265.72.
2. Section 66265.72, subsection (a)(1): To be consistent with the analogous federal language in 40 Code of Federal Regulations section 265.71, paragraph (a), add "(1) Significant" before the existing work "differences" and add a reference to the definition of significant discrepancies by adding:

"(as defined by paragraph (b) of this section)".
3. Section 66265.72, subsection (a)(2) and (3): Add paragraphs (2) and (3) to define a manifest discrepancy to include rejected wastes in (2) and container residues in (3) per the analogous 40 Code of Federal Regulations section 264.72, paragraphs (a)(2) and (3). Because existing State empty container standard found in section 66261.7 are more stringent than the federal requirement, these regulations add the state reference to this manifesting requirement for containers that are not empty. Add:

"(2) Rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept; or"
"(3) Container residues, which are residues that exceed the quantity limits for "empty" containers set forth in 40 Code of Federal Regulations section 261.7(b) or section 66261.7 of this division."
4. Section 66265.72, subsection (b): Amend this subsection to reflect the renumbering with the analogous 40 Code of Federal Regulations section 264.72 subsection by adding "(b)" and deleting the imbedded "(1) for" and adding "For" and deleting the imbedded "and (2)". Add the word "or" in the last line between "waste acid" and "toxic constituents" to mirror the federal language.
5. Section 66265.72, subsection (c): Amend this subsection to reflect the renumbering with the analogous 40 Code of Federal Regulations subsection and add "in quantity or type" in order to be consistent with the new federal language and the language in the amended subsection (a)(1).
6. Section 66265.72, subsection (c): The current language requires facilities to submit a Significant Discrepancy Report to DTSC, but does not provide an address. DTSC is establishing a Report Repository within the GISS to collect manifest related reports. This is a change for clarity's sake only and is not a

substantive change in the reporting requirement. This change is also made for other reports in sections 66262.42, subsection (d), 66262.55, subsection (c), 66264.72, subsection (c), 66264.76, subsection (c) and 66265.76, subsection (a). This change provides clarification, and the non-substantive addition of an address to an existing report requirement. Add:

“Significant Discrepancy Reports should be mailed to:

DTSC Report Repository
Generator Information Services Section
P. O. Box 806
Sacramento, CA 95812-0806”

7. Section 66265.72, subsection (d)(1): This paragraph contains amendments for federal consistency and for consistency with existing, more stringent State regulations. Add the text from the analogous federal citation in 40 Code of Federal Regulations section 265.72, paragraph (d) that require the designated facility to contact the generator after rejecting wastes or identifying contaminated containers. It also adds the State reference for empty containers (section 66261.7). Add:

“(d)(1) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for “empty” containers set forth in 40 Code of Federal Regulations section 261.7(b) or section 66261.7 of this division, the facility shall consult with the generator prior to forwarding the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility may return the rejected waste or residue to the generator.”

8. Section 66265.72, subsection (d)(1): In addition to the above addition, this paragraph is amended to be consistent with Health and Safety Code section 25202 regarding permit conditions and section 25200.19 regarding facilities holding hazardous waste outside permitted units.

The analogous section of federal regulations allows facilities to retain rejected wastes on container residue for 60 days, with no restrictions. In California, the restrictions of a permit take precedent over general standards in the regulations. Therefore, to reflect existing California limits, this amendment modifies the federal 60 day period as follows: “the time frame specified in the permit or 60 days, whichever is shorter”. In addition to setting time limits, the State requires management of the waste consistent with the facility’s permit. This language is needed because some permits may be more stringent given the conditions at a facility.

Lastly, Health and Safety Code section 25200.19 limits to 10 days the time period facilities can hold hazardous waste in an area outside the permitted units. This reference to Section 25200.19 is added in this paragraph to further qualify the 60 day period authorized by the federal regulations. These changes solely combine references to existing requirements to qualify the new federal 60 day limit. All of these issues are combined in the following language:

“The facility shall send the waste to the alternative facility or to the generator within the time frame specified in the permit or 60 days, whichever is shorter, of the rejection or the container residue identification. The waste shall be managed consistent with any applicable permit conditions. The waste shall be handled consistent with the requirements of section 25200.19 of the Health and Safety Code.”

9. Section 66264.72, subsection (d)(2): Add this paragraph as found in the federal regulations with no change:

“(2) While the facility is making arrangements for forwarding rejected wastes or residues to another facility under this section, it shall ensure that either the delivering transporter retains custody of the waste, or, the facility shall provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under paragraph (e) or (f) of this section.”

10. Section 66265.72, subsection (e)(1) to (7): Amend to add this subsection that implements federal requirements for manifesting rejected wastes or container residues to an alternate facility. The only State change is the addition of a State citation (66262.20(a)) in addition to the federal citation for generator manifesting requirements. Add:

“ (e) Except as provided in paragraph (e)(7) of this section, for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility is required to prepare a new manifest in accordance with section 66262.20, subsection (a) of this division or 40 Code of Federal Regulations section 262.20(a), if located out of state, and the following instructions:

(1) Write the generator's EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.

(2) Write the name of the alternate designated facility and the facility's EPA ID number in the designated facility block (Item 8) of the new manifest.

(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).

(5) Write the U.S. Department of Transportation description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

(6) Sign the Generator's/Officer's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation.

(7) For full load rejections that are made while the transporter remains present at the facility, the facility may forward the rejected shipment to the alternate facility by completing Item 18b of the original manifest and supplying the information on the next destination facility in the Alternate Facility space. The facility shall retain a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with paragraphs (e)(1), (2), (3), (4), (5), and (6) of this section."

11. Section 66265.72, subsection (f)(1) to (7): Amend to add this new subsection that implements federal requirements for manifesting rejected wastes or container residues back to the generator. This subsection conforms to the federal requirements governing rejected loads and container residues that apply to permitted and interim status facilities. The requirements for permitted and interim status facilities are parallel, however, the language contained in the federal rulemaking that pertains to interim status facilities inadvertently omitted the requirement that interim facilities fill out item 18a of the old manifest. As detailed in the 42 Federal Register 10776 (Mar. 4, 2005) pages 10804-10805, in all cases a facility is required to note information about the rejected load or regulated residue on the original manifest. At the generators request the facility must either reject the shipment to the generator of the wastes or an alternate facility must be identified in Item 18b of the original manifest. The State has added the corresponding State citation (section 66262.20(a)) in addition to the federal citation for generator manifesting requirements. Add:

" (f) Except as provided in paragraph (f)(7) of this section, for rejected wastes and residues that shall be sent back to the generator, the facility is required to prepare a new manifest in accordance with section 66262.20, subsection (a) of

this division or 40 Code of Federal Regulations section 262.20(a), if located out of state, and the following instructions:

(1) Write the facility's EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.

(2) Write the name of the initial generator and the generator's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.

(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).

(5) Write the U.S. DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

(6) Sign the Generator's/Officer's Certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked and labeled, and is in proper condition for transportation.

(7) For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing Item 18a and 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility shall retain a copy for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with paragraphs (f)(1), (2),(3), (4), (5), and (6) of this section.”

12. Section 66265.72, subsection (g): Amend to add this new subsection that implements federal requirements for manifesting rejected wastes or container residues after the original manifest was signed and returned to the generator. The State amendments to the federal language adds the more stringent State definition of empty container (section 66271.7) and requires submission of the manifest revised by the facility to the State in addition to sending it to the generator. This is consistent with existing State requirements that generator and facility manifests are submitted to DTSC. Add:

“ (g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for “empty” containers set forth in 40 Code of Federal Regulations section 261.7(b) or section 66261.7 of this division, after it has

signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility shall amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility shall also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest, and shall re-sign and date the manifest to certify to the information as amended. The facility shall retain the amended manifest for at least three years from the date of amendment, and shall within 30 days, send a copy of the amended manifest to the transporter and generator that received copies prior to their being amended. The facility shall submit a copy of the amended manifest within 30 days to the department at the address provided in section 66265.71, subsection (a)(2)(F)."

13. Section 66265.72, subsection (h): As part of the previous renumbering, amend subsection to renumber the current "(c)" to "(h)".
14. Section 66265.72, subsection (h)(5): This section is a State only regulation requiring the reporting of discrepancies related to Hazardous Waste of Concern. This amendment is needed for manifests used after September 5, 2006 to update the cited manifest item numbers so that businesses report the same required information after the manifest change as they are required to do now. The current Manifest Item reference numbers will be incorrect on the manifest required to be used after September 5, 2006. It imposes no new requirement. Federal manifest regulations do not require reporting of hazardous wastes of concern, however, this is a State change necessitated by the changes to the Item numbers on the federal manifest. A consistent change is made in sections 66263.32, subsection (a)(5), 66264.72, subsection (h)(5), 66264.78, subsection (b)(5), and 66265.78, subsection (b)(5). Amend to add:

"For shipments initiated on and after September 5, 2006, waste information (Items 9b, 10, 11, 12, and 13 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (found in the manifest Instructions in the Appendix to chapter 12, article 8), quantity or volume of waste at issue, weight or volume units, and waste codes"
15. Section 66265.72, subsection (i): As part of the previous renumbering, amend subsection to renumber the current "(d)" to "(i)".
16. Section 66265.72, Reference: Amend to add Health and Safety Code sections "25160.6" and "25200.19" and reference to the HWRMM code citation.

SECTION 66265.76. Unmanifested Waste Report.

1. Section 66265.76: Amend to add numbering for subsection “(a)” and renumber subsequent subsections (a) to (g) as (1) to (7).
2. Section 66265.76, subsection (a): The current language requires facilities to submit an Unmanifested Waste Report to DTSC, but does not provide an address. DTSC is establishing a Report Repository within the GISS to collect manifest related reports. This is a change for clarity’s sake only and is not a substantive change in the reporting requirement. This change is also made for other reports in sections 66262.42, subsection (d), 66262.55, subsection (c), 66264.72, subsection (c), 66264.76, subsection (c) and 66265.72, subsection (c). This change provides clarification, and the non-substantive addition of an address to an existing report requirement.

Additionally, in 40 Code of Federal Regulations section 265.76, paragraph (a), U.S. EPA dropped the use of the term “Unmanifested waste report”, which is also currently used in state regulations. The reporting requirement was not changed. This was not a mandatory change that states are required to adopt. DTSC has retained the current regulatory name for this report for clarity, tracking, and to simplify outreach to facilities. Add:

“(d) Generators shall submit the exception report or information to the Department at:

DTSC Report Repository
Generator Information Services Section
P.O. Box 806
Sacramento, CA 95812-0806”

3. Section 66265.76, subsection (a): Amend subsection to renumber “(a)” as paragraph “(1)”.
4. Section 66265.76, subsection (b): Amend subsection to renumber “(b)” as paragraph “(2)”.
5. Section 66265.76, subsection (c): Amend subsection to renumber “(c)” as paragraph “(3)”.
6. Section 66265.76, subsection (d): Amend subsection to renumber “(d)” as paragraph “(4)”.

7. Section 66265.76, subsection (e): Amend subsection to renumber “(e)” as paragraph “(5)”.
8. Section 66265.76, subsection (f): Amend subsection to renumber “(f)” as paragraph “(6)”.
9. Section 66265.76, subsection (g): Amend subsection to renumber “(g)” as paragraph “(7)”.

SECTION 66265.78. Reporting Hazardous Wastes of Concern Discovered To Be Missing While in Storage.

1. Section 66265.78, subsection (a)(5): This amendment is needed for manifests used after September 5, 2006 to update the cited manifest item numbers so that businesses report the same required information after the manifest change as they are required to do now. The current Manifest Item reference numbers will be incorrect on the manifest required to be used after September 5, 2006. It imposes no new requirement. Federal manifest regulations do not require reporting of hazardous wastes of concern, however, this is a State change necessitated by the changes to the Item numbers on the federal manifest. A consistent change is made in sections 66263.32, subsection (a)(5), 66264.72, subsection (h)(5), 66264.78, subsection (a)(5), and 66265.72. Amend this paragraph to add :

“ For shipments initiated on and after September 5, 2006, waste information (Items 9b, 10, 11, 12, and 13 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (found in the manifest Instructions in the Appendix to chapter 12, article 8), quantity or volume of waste at issue, weight or volume units, and waste codes”
2. Section 66265.78, subsection (c): At the end of the subsection, change the reference to 66265.72 “(d)” to “(i)” because of amendments added to that section. The contents of (d) and the same as the newly lettered (i).