



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE

Department of Toxic Substances Control

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Contact: Ron Baker
916.324.3142
Lisa Gray
916.324.0936

New Laws Create "Hazardous Waste of Concern Listing" and Strengthen Security of Hazardous Waste and Hazardous Material Shipments

Sacramento --- The California Department of Toxic Substances Control (DTSC) announced today that two new requirements, which became law on January 1, 2003, will enhance the security of hazardous waste handling and establish a listing of "hazardous wastes of concern". The requirements, contained in two bills, signed into law by Governor Gray Davis, complement the USA Patriot Act of 2001.

"We are complying with Governor Davis' directives to increase vigilance over hazardous materials and hazardous waste by making the system more secure," said Ed Lowry, DTSC Director.

Senate Bill 1257 (Murray), which became law January 1, 2003, strengthens security for hazardous wastes and hazardous materials by requiring the enclosed cargo body of transport vehicles to remain locked except during loading and unloading. Drivers must open the doors at the direction of a peace officer, an authorized employee of the California Highway Patrol, the DTSC, Certified Unified Program Agencies, and local health officers.

The new law also requires hazardous waste generators and facility operators to perform additional checks of transporter's driver licenses and special endorsements before allowing loads to leave their facilities. In addition, the law requires working two-way communications devices in all vehicles used for the transportation of hazardous wastes or hazardous materials so that the driver can call for immediate assistance if necessary.

Senate Bill 489 (Romero) which also became law on January 1, 2003, requires the DTSC to establish a list of hazardous wastes of concern by July 1, 2003. The list will identify hazardous wastes that require special handling for security reasons. Any person applying for a hazardous waste facility permit that handles "hazardous wastes of concern" must submit a disclosure statement that includes fingerprints. DTSC will use the fingerprints to conduct a criminal background check.

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The Romero law also strengthens the notification process when hazardous wastes of concern are missing during transportation or storage. If this occurs, the hazardous waste transporter or the owner or operator of a hazardous waste facility must immediately notify DTSC by telephone and submit a written report of the discrepancy within 15 days. Regulations require immediate reporting by facilities by phone for priority wastes. This law extends the reporting requirement to transporters and to storage activities.

Additional disclosure requirements include:

- By January 1, 2004, and at any time upon DTSC's request, hazardous waste facility owners and operators that handle any hazardous waste of concern must submit a disclosure statement.
- On and after January 1, 2004, any person applying for registration as a hazardous waste transporter who will transport hazardous waste of concern must submit a disclosure statement.
- At any time upon the request of DTSC, any registered hazardous waste transporter who transports any hazardous waste of concern must submit a disclosure statement.
- Whenever any of the information required in a disclosure statement changes, the transporter or the facility owner or operator must provide the updated information in writing to the DTSC within 30 days of the change.

For more information on the new security enhancements for hazardous waste handling and transportation, please contact the regional Public and Business Liaisons at (800) 72TOXIC or visit www.dtsc.ca.gov. A fact sheet on the subject is found at http://www.dtsc.ca.gov/HazardousWaste/HWMP_FS_Security.pdf

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The Department of Toxic Substances Control's mission is to restore, protect, and enhance the environment and ensure public health, environmental quality and economic vitality by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

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"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov."