



## DTSC Regulation Adoption Activities

The Department of Toxic Substances Control (DTSC), as with other state agencies, develops regulations under one of three available sets of procedures: regular rulemaking; emergency rulemaking; or changes without regulatory effect (nonsubstantive) rulemaking. More information about each of these sets of procedures can be found at the website of the Office of Administrative Law (see [https://oal.ca.gov/rulemaking\\_process/](https://oal.ca.gov/rulemaking_process/)).

DTSC uses the procedures required for regular rulemakings unless conditions allow the use of either emergency or nonsubstantive rulemaking procedures.

## DTSC Rulemaking Projects Currently Under Development

---

### Regular Rulemaking Projects

#### **Disposition Options for Universal Waste Cathode Ray Tubes (DTSC Reference Number R-2014-07)**

This proposed regulation will finalize emergency regulations that have been in place since 2012. In 2012, DTSC adopted emergency regulations to expand the options available to universal waste handlers for managing Cathode Ray Tubes (CRTs) and CRT glass. In addition to glass manufacturing and lead smelting, the emergency regulations have allowed CRT glass to also be legally recycled in other ways or lawfully disposed. If a universal waste handler chooses to dispose of CRT glass, then CRT glass that contains lead (the funnel glass) must be sent to a permitted hazardous waste landfill. CRT glass that contains other regulated metals, including barium (the panel glass), may be sent to other approved landfills that meet conditions identified in the regulations. This proposed regulation will permanently establish the option to legally dispose of CRT glass, as well as to recycle it.

DTSC anticipates issuing a formal public notice and starting the 45-day public comment period for this regulation in the spring of 2018.

#### **Universal Waste Management of Photovoltaic Modules (DTSC Reference Number R-2016-01)**

This proposed regulation will allow universal waste handlers to manage end-of-life photovoltaic modules (PV modules) as universal waste. This allowance will be limited to those PV modules that are identified as California-only hazardous waste. Universal waste handlers who collect and treat the PV modules, including dismantling and shredding them, will be allowed to manage them using specified universal waste





handling requirements, and will be required to notify DTSC of the ultimate disposition of the PV modules and to fulfill other annual reporting requirements.

DTSC anticipates issuing a formal public notice and starting the 45-day public comment period for this regulation in the summer of 2018.

## **Conditional Exclusion for Chemically Treated Metal Shredder Residue (DTSC Reference Number R-2018-02)**

This proposed regulation will conditionally exclude chemically treated metal shredder residue (CTMSR) from regulation as a hazardous waste (i.e., allow it to be disposed as nonhazardous waste) if it is managed according to conditions specified in the regulations.

DTSC anticipates issuing a formal public notice and starting the 45-day public comment period for this regulation in the summer of 2018.

## **Toxicity Criteria (DTSC Reference Number R-2016-08)**

This proposed regulation will specify the toxicity criteria to be used when DTSC conducts human health risk assessments, calculates screening levels, and determines remediation goals based on human health risk. If a contaminant's toxicity criterion is not specifically identified in the regulation, the regulation requires the federal toxicity criteria to be used.

DTSC anticipates completing the review and response to public comments for this regulation in the spring of 2018.

## **Federal Post-Closure Rule (DTSC Reference Number R-2017-02)**

This proposed regulation will allow DTSC to use enforceable documents at facilities that have hazardous waste left in place and need or already have a hazardous waste post-closure facility permit. The rule allows the use of alternative mechanisms, such as an agreement, order, plan, or other document issued consistent with a corrective action order or a remedial action order issued by DTSC.

DTSC anticipates completing the review and response to public comments for this regulation in the spring of 2018.





## **Hazardous Waste Facility Permitting Criteria (DTSC Reference Number R-2016-03)**

This proposed regulation establishes and updates criteria DTSC must use in determining whether to issue a new or modified hazardous waste facility permit or to renew a hazardous waste facility permit. The proposed regulation includes requirements for community involvement profile data, financial responsibility, training of facility personnel, and a health risk assessment for hazardous waste facility operations. The proposed regulation also includes a Violations Scoring Procedure (VSP), to be used to assess a facility's compliance history and determine whether the number and types of violations observed at a facility warrant permit denial or revocation or other mandatory requirements for facilities. [Note: DTSC is assessing adoption of regulations that integrate cumulative impacts into permit decisions. DTSC will propose a separate, full rulemaking if it decides to pursue those changes.]

DTSC is currently reviewing and responding to public comments.

## **Listing Paint Strippers or Varnish Strippers Containing Methylene Chloride as a Priority Product (DTSC Reference Number R-2016-05)**

This proposed regulation adopts Paint Strippers or Varnish Strippers Containing Methylene Chloride as a Priority Product under DTSC's Safer Consumer Products Program.

DTSC is currently reviewing and responding to public comments.

---



### **Emergency Rulemaking Projects**

#### **Penalty Calculations (DTSC Reference Number R-2018-01)**

This proposed emergency regulation will incorporate recently enacted statute that increased the maximum administrative and civil penalty for hazardous waste violations from \$25,000 to \$70,000 per day per violation. The proposed regulation will amend DTSC's regulations used to calculate administrative penalties, which references the previous statutory maximum of \$25,000 per day per violation. DTSC has determined that an emergency exists and the new regulation must be in place to avoid serious harm to human health and safety and the environment.

DTSC anticipates submitting this regulation to the Office of Administrative Law in the spring of 2018.

---

### **Nonsubstantive Rulemaking Projects**

#### **Imports and Exports of Hazardous Wastes (DTSC Reference Number R-2018-03)**

This proposed regulation will conform California's regulations governing the export and import of hazardous wastes from and into the United States to federal regulations. The proposed regulation also enables electronic submittal to the U.S. Environmental Protection Agency of all related documents, such as export notices and export annual reports and electronic validation of consent in the Automated Export System.

DTSC anticipates submitting this regulation to the Office of Administrative Law in the summer of 2018.

#### **Generator Improvement Rule (DTSC Reference Number R-2018-04)**

This proposed regulation will adopt the requirements of U.S. EPA's Hazardous Waste Generator Improvement Rule, and will reorganize DTSC hazardous waste generator requirements to conform to the corresponding federal regulations.

DTSC anticipates submitting this regulation to the Office of Administrative Law in the spring of 2018.

