

Chapter 10. Hazardous Waste Management System: General

Article 1.5. Conflict of Interest Code

66250. General Provisions.

The Political Reform Act of 1974 (Government Code section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (FPPC) has adopted regulations (Title 2, California Code of Regulations section 18730 et seq.) which contain the terms of a standard conflict of interest code and which can be incorporated by reference into another agency's code. After public notice and hearing, section 18730 et seq. may be amended by the FPPC to conform to amendments in the Political Reform Act. The terms of section 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This section and the following sections, which specify all the terms and procedures for a model conflict of interest code and set forth the conditions under which designated employees must disqualify themselves from influencing governmental decisions, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Department of Toxic Substances Control (Department).

Designated employees shall file statements of economic interest by using instructions and forms prescribed by the FPPC with the person designated to perform this function for the Department. The original statement by the Director of the Department shall be sent to the FPPC and a copy retained by the Department's filing officer along with all other such statements.

66250.1 Disclosure Categories.

Category 1

Designated employees in this category must disclose, pursuant to instructions and forms prescribed by the FPPC, the following:

(a) All investments and sources of income, including gifts, loans and travel payments, from business or nonprofit entities that do business or receive income from any source within the State of California.

(b) All interests in real property in California.

(c) Any positions held in business entities that do business or receive income from any source within the State of California.

Category 2

Designated employees in this category must disclose, pursuant to instructions and

forms prescribed by the FPPC, the following:

(a) All investments in business entities whose activities are subject to regulation or oversight by the Department or that contract, or are of the type that contract, with the Department to provide services, supplies, materials, machinery or equipment.

(b) All interests in real property in California that are owned or operated by a business or nonprofit entity with activities subject to regulation or oversight by the Department or any real property within 2,000 feet of such property.

(c) Any positions held in business entities whose activities are subject to regulation or oversight by the Department or that contract, or are of the type that contract, with the Department to provide services, supplies, materials, machinery or equipment and income from those sources.

(d) All sources of income, including gifts, loans and travel payments, from business or nonprofit entities whose activities are subject to regulation or oversight by the Department or that contract, or are of the type that contract, with the Department to provide services, supplies, materials, machinery or equipment.

Category 3

Designated employees in this category must disclose, pursuant to instructions and forms prescribed by the FPPC, the following:

(a) Any positions held in business entities that contract, or are of the type that contract, with the Department to provide services, supplies, materials, machinery or equipment.

(b) Any source of income, including gifts, loans and travel payments, and investment in business entities that contract, or are of the type that contract, with the Department to provide services, supplies, materials, machinery or equipment.

66250.2 Employee Designations.

DESIGNATED EMPLOYEES BY POSITIONS	ASSIGNED DISCLOSURE CATEGORIES
Accounting Administrators I	2
Accounting Administrators II	2
Air Pollution Specialists	2
Assistant Chief Counsels	1
Assistant Laboratory Chief, Public Health Laboratory	2
Assistant Secretary/Cal/EPA	1
Associate Budget Analysts	2
Associate Environmental Planner	2

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Associate Governmental Program Analysts (except in Legislation)	3
Associate Governmental Program Analysts in the Office of Legislation	1
Associate Industrial Hygienists	2
Associate Information Systems Analyst (Specialist)	3
Associate Management Auditors	2
Associate Programmer Analyst (Specialist)	3
Associate Toxicologist	2
Career Executive Assignments	1
Chief Counsel II, CEA	1
Chief Deputy Director, DTSC	1
Chief, Hazardous Material Laboratory	1
Consultants*	1
Criminal Investigators	2
Data Processing Managers I	3
Data Processing Managers II	3
Director, DTSC	1
Division Chiefs, DTSC	1
Environmental Biochemists	2
Exempt Appointments	1
Engineering Geologists	2
Hazardous Substances Scientists	2
Hazardous Substances Engineers	2
Health Program Management Auditors	2
Information Officers I	1
Information Officers II	1
Public Participation Specialists	2
Public Participation Supervisors	2
Public Health Chemists III (Specialists)	2
Public Health Chemists III (Supervisors)	2
Records Management Analysts	3
Research Scientists I	2
Research Scientists II	2
Research Scientists III	2
Research Scientists IV	2
Research Scientists V	2
Research Scientist Supervisors I	2
Research Scientist Supervisors II	2
Research Scientist Manager	2
Research Program Specialists II	2

Senior Hazardous Substances Engineers	2
Senior Engineering Geologists	2
Senior Hazardous Substances Scientists	2
Senior Industrial Hygienists	2
Senior Toxicologist	2
Supervising Industrial Hygienists	2
Senior Environmental Planners	2
Senior Programmer Analysts	3
Staff Counsels	1
Staff Counsel III (Specialists)	1
Staff Counsel III (Supervisors)	1
Staff Information Systems Analyst (Specialist)	3
Staff Information Systems Analyst (Supervisor)	3
Staff Management Auditors	2
Staff Programmer Analysts (Specialist)	3
Staff Services Management Auditors	2
Staff Services Analysts in the Office of Legislation	1
Staff Services Managers I	2
Staff Services Managers II	2
Staff Toxicologists (Specialist)	2
Supervising Criminal Investigators I	2
Supervising Criminal Investigators II	2
Supervising Hazardous Substances Scientists I	2
Supervising Hazardous Substances Scientists II	2
Supervising Engineering Geologists	2
Supervising Hazardous Substances Engineers I	2
Supervising Hazardous Substances Engineers II	2
Supervising Toxicologists	2
Training Officers I	3

*With respect to consultants, the Director may determine in writing that a particular consultant, although in a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Director’s determination is a public record and shall be retained for public inspection.

Article 2. Definitions

66260.1. Purpose, Scope, and Applicability.

(a) This chapter provides definitions of terms, general standards, and overview information applicable to this division.

(b) In this chapter:

(1) Section 66260.2 sets forth the rules that the Department will use in making information it receives available to the public and sets forth the requirements that generators, transporters, or owners or operators of treatment, storage, or disposal facilities must follow to assert claims of business confidentiality with respect to information that is submitted to the Department under this division.

(2) Section 66260.3 establishes rules of grammatical construction for this division.

(3) Section 66260.4 establishes a rule restricting local enforcement actions relating to the management of hazardous waste.

(4) Section 66260.5 sets forth processing times for specified Departmental actions.

(5) Section 66260.10 defines terms which are used in this division.

(6) Section 66260.11 lists references used in this division and a source for these documents.

(7) Section 66260.12 lists acronyms and abbreviations used in this division.

(8) Section 66260.21 establishes requirements and procedures for obtaining waivers to use alternative test methods or analytical methods for classifying non-RCRA hazardous waste and for obtaining the Department's concurrence for using alternative methods allowed by the USEPA Administrator per 40 CFR Section 260.21 for the analysis of RCRA hazardous waste.

(9) Section 66260.200 establishes procedures for obtaining the Department's concurrence on classification of a waste as hazardous or nonhazardous.

(10) Section 66260.210 establishes procedures and requirements for obtaining waivers from regulation for non-RCRA hazardous waste and non-RCRA regulated activities.

66260.2. Availability of Information; Confidentiality of Information.

(a) Any information provided to the Department pursuant to this division will be made available to the public to the extent and in the manner authorized by section 3007(b) of RCRA and the California Public Records Act (Government Code section 6250 et seq.), and EPA regulations set forth in 40 CFR Part 2, as applicable.

(b) Any person who submits information to the Department in accordance with 40 CFR Parts 260 through Part 266 and Part 268 or chapters 10 through 16 and chapter 18 of this division may assert a claim of business confidentiality covering part or all of that information by following the procedures set forth in 40 CFR section 2.203(b). Information covered by such a claim will be disclosed by the USEPA or the Department only to the extent, and by means of the procedures, set forth in this division except that information required by 40 CFR section 262.53(a) and 40 CFR section 262.83 or section 66262.53(a) and section 66262.83 that is submitted in a notification of intent to export a hazardous waste will be provided to the U.S. Department of State and the appropriate authorities in the transit and receiving or importing countries regardless of any claims of confidentiality. However, if no such claim accompanies the information when it is received by the Department, it may be made available to the public without further notice to the person submitting it.

(c) Information covered by such a claim will be disclosed by the Department only to the extent, and by means of the procedures, set forth in Part 2, Subpart B, of 40 CFR except that information required by section 66262.53(a) which is submitted in notification of intent to export a hazardous waste pursuant to section 66262.53(a) will be provided to the U.S. Department of State and the appropriate authorities in a receiving country regardless of any claims of confidentiality.

66260.3. Use of Number.

As used in this division:

- (a) Words in the singular include the plural; and
- (b) Words in the plural include the singular.

66260.4. Local Agency Regulation of Hazardous Waste Facilities.

No local agency shall enforce any requirement, other than those in this division, which would impede interstate or intrastate transportation or disposal of hazardous waste or which would impede use of facilities for regional multi-county management of hazardous waste.

66260.5. Processing Times Based on Actual Performance.

The Department's time periods for processing applications for specific Departmental actions based on actual performance for the two years immediately preceding proposal of this regulation are as follows:

- (a) Hazardous waste hauler registration (section 66263.11):
 - (1) Median time: 60 days
 - (2) Minimum time: 1 day
 - (3) Maximum time: 180 days
- (b) waste classification concurrence (section 66260.200) and Special waste classification (section 66261.124):
 - (1) Median time: 11 months
 - (2) Minimum time: 2 days
 - (3) Maximum time: 39 months
- (c) Variances (section 66260.210):
 - (1) Median time: 60 days
 - (2) Minimum time: 1 day
 - (3) Maximum time: 1200 days.