

TEXT OF EMERGENCY REGULATIONS
HAZARDOUS WASTES OF CONCERN
(Stats. 2002, ch. 607, Senate Bill 489)
Department Reference Number: R-03-02
Effective Date July 10, 2003

1. Add section 66261.111 to the California Code of Regulations, title 22, division 4.5, chapter 11, article 5, to read as follows:

§ 66261.111. Hazardous Waste of Concern Criteria.

(a) A hazardous waste of concern is a hazardous waste that is identified on the Uniform Hazardous Waste Manifest with one of the following hazard divisions within the U.S. DOT description, or otherwise known as:

(1) An explosive material, hazard division 1.1, 1.2, or 1.3, as defined under 49 Code of Federal Regulations section 173.50 (as revised October 1, 2002); or

(2) A poisonous material, hazard division 6.1, packing group I or II, as defined under 49 Code of Federal Regulations section 173.132 (as revised October 1, 2002); or

(3) A poisonous gas, hazard division 2.3, as defined under 49 Code of Federal Regulations section 173.115 (as revised October 1, 2002).

(b) "Missing hazardous waste of concern" has been lost, stolen, or has disappeared. It does not include the unintentional release of a hazardous waste of concern within the meaning of 49 Code of Federal Regulations section 171.16 (as revised October 1, 2002).

(c) Specified reporting requirements for missing hazardous wastes of concern apply in instances where the missing waste represents a reportable quantity or a reportable difference in type.

(1) Reportable quantities of missing hazardous waste of concern are:

(A) for bulk waste, variations greater than 3 percent in weight or volume; and

(B) for containerized waste, any variation in piece count, such as a discrepancy of one drum in a truckload.

(2) Reportable differences in type of a hazardous waste of concern are obvious differences that can be discovered by observation of the physical properties of the waste, inspection, or waste analysis (e.g., waste solvent substituted for used oil, or containing hazardous constituents not reported on the manifest that would change the shipping name or waste code).

NOTE: Authority cited: Sections 25169.6, and 25169.8, Health and Safety Code.

Reference: Sections 25169.5, 25169.6, 25169.7, and 25169.8, Health and Safety Code.

2. Amend California Code of Regulations, title 22, division 4.5, chapter 12, article 5, section 66262.54 to read as follows:

§ 66262.54. Special Manifest Requirements.

A primary exporter shall comply with the manifest requirements of sections 66262.20 through 66262.23 except that:

(a) in lieu of the name, site address and ID number of the designated permitted facility, the primary exporter shall enter the name and site address of the consignee;

(b) in lieu of the name, site address and ID number of a permitted alternate facility, the primary exporter may enter the name and site address of any alternate consignee;

(c) in Special Handling Instructions and Additional Information, the primary exporter shall identify the point of departure from the United States;

(d) for RCRA hazardous waste, the following statement shall be added to the end of the first sentence of the certification set forth in Item 16 of the Uniform Hazardous Waste Manifest Form: “and conforms to the terms of the attached EPA Acknowledgment of Consent”;

(e) in lieu of the requirements of section 66262.21, the primary exporter shall obtain the manifest form from the Department;

(f) the primary exporter shall require the consignee to confirm in writing the delivery of the hazardous waste to that facility and to describe any significant discrepancies (as defined in section sections 66264.72(a) and (c), and ~~66265.72(a) and (c)~~) between the manifest and the shipment. A copy of the manifest signed by such facility may be used to confirm delivery of the hazardous waste;

(g) in lieu of the requirements of section 66262.20(d), where a shipment cannot be delivered for any reason to the designated or alternate consignee, the primary exporter shall:

(1) renotify USEPA for RCRA hazardous waste and the Department for both RCRA hazardous waste and non-RCRA hazardous waste of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with section 66262.53(c); or

(2) instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States; and

(3) instruct the transporter to revise the manifest in accordance with the primary exporter's instructions;

(h) for RCRA hazardous waste, the primary exporter shall attach a copy of the EPA Acknowledgment of Consent to the shipment to the manifest which shall accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter shall provide the transporter with an EPA Acknowledgment of Consent which shall accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter shall attach the copy of the

EPA Acknowledgment of Consent to the shipping paper;

(i) for RCRA hazardous waste, the primary exporter shall provide the transporter with an additional copy of the manifest for delivery to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with section 66263.20(j)(4).

NOTE: Authority cited: Sections ~~208~~, 25150.2, ~~and 25159~~ and 58012, Health and Safety Code. Reference: Sections 25150.2, 25159, 25159.5 and 25162, Health and Safety Code, 40 CFR Section 262.54.

3. Amend California Code of Regulations, title 22, division 4.5, chapter 12, article 7, Appendix, to read as follows:

Appendix

California Uniform Hazardous Waste Manifest and Instructions (~~DTSC~~ DTSC Form 8022-A and EPA Form 8700-22A and Their Instructions)

DTSC Form 8022-A.

Read all instructions before completing this form.

This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used-press down hard.

Federal and State regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage and disposal facilities to use this form (~~DTSC~~ DTSC 8022-A) and, if necessary, the Continuation Sheet (EPA Form 8700-22A) for both inter and intrastate transportation. Federal and State regulations also require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage and disposal facilities to complete the following information:

[Graphic omitted]

Illustration # 115: California Uniform Hazardous Waste Manifest

Item 1. Generator's Identification Number-Manifest Document Number.

Enter the generator's twelve digit Identification Number and the unique five digit number assigned to this Manifest (e.g., 00001) by the generator.

Item 2. Page 1 of _____: Enter the total number of pages used to complete this Manifest, i.e., the first page (~~DTSC~~ DTSC Form 8022-A) plus the number of Continuation Sheets (EPA Form 8700-22A), if any.

Item 3. Generator's Name and Mailing Address: Enter the name and mailing address of the generator. The address should be the location that will manage the returned Manifest forms.

Item 4. Generator's Phone Number: Enter a telephone number where an authorized agent of the generator may be reached in the event of an emergency.

Item 5. Transporter 1 Company Name: Enter the company name of the first transporter who will transport the waste.

Item 6. ~~Identification~~ Identification Number: Enter the twelve digit Identification Number of the first transporter identified in item 5.

Item 7. Transporter 2 Company Name: If applicable, enter the company name of the second transporter who will transport the waste. If more than two transporters are used to transport the waste, use a Continuation Sheet(s) (EPA Form 8700-22A) and list the

transporters in the order they will be transporting the waste.

Item 8. Identification Number: If applicable, enter the twelve digit Identification Number of the second transporter identified in item 7. If more than two transporters are used, enter each additional transporter's company name and twelve digit Identification Number in items 24-27 on the Continuation Sheet (EPA Form 8700-22A). Each Continuation Sheet has space to record two additional transporters. Every transporter used between the generator and the designated facility must be listed.

Item 9. Designated Facility Name and Site Address: Enter the company name and site address of the facility designated to receive the waste listed on this Manifest. The address shall be the site address, which may differ from the company mailing address.

Item 10. Identification Number: Enter the twelve digit Identification Number of the designated facility identified in item 9.

Item 11. U.S. DOT Description [Including Proper Shipping Name, Hazard Class or Division, and ID Number (UN/NA)]: Enter the U.S. DOT Proper Shipping Name, Hazard Class or Division, ID Number (UN/NA), and Packing Group for each RCRA hazardous waste as identified in Title 49 CFR Parts 171 through 177. Non-RCRA hazardous wastes which do not have a U.S. DOT description can be properly described by 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, subdivision (e) of this division. If not listed in chapter 11, Appendix X, subdivision (e) of this division, the commonly recognized industrial name of the waste shall be used. If additional space is needed for waste descriptions, enter these additional descriptions in item 28 on the Continuation Sheet (EPA Form 8700-22A).

Item 12. Containers (No. and Type): Enter the number of containers for each waste and the appropriate abbreviation from Table I (below) for the type of container.

TABLE I

Types of Containers

[Table omitted]

Item 13. Total Quantity: Enter the total quantity of waste described on each line. One decimal point may be used and shall take one character space.

Item 14. Unit (Wt./Vol.): Enter the appropriate abbreviation from Table II (below) for the unit of measure.

TABLE II

Units of Measure

[Table omitted]

Item 15. Special Handling Instructions and Additional Information: Generators may use this space to indicate special transportation, treatment, storage or disposal information or Bill of Lading information.

For international shipments, generators shall enter in this space the point of

departure (City and State) for those shipments destined for treatment, storage or disposal outside the jurisdiction of the United States.

International Shipments-Transporter Responsibilities: exports-Transporters shall sign and enter the date the waste left the United States in item 15 of Form DTSC 8022-A.

Imports-Shipments of hazardous waste regulated by RCRA or California Code of Regulations and transported into California from another country to a designated facility within the State shall upon entry be accompanied by the California Uniform Hazardous Waste Manifest. Transporters who transport hazardous waste into the United States from another country are responsible for completing the Manifest. See section 66263.10(c)(1).

Item 16. Generator's Certification: The generator shall read, sign (by hand) and date the certification statement. If a mode other than highway is used, the word "highway" should be lined out and the appropriate mode (rail, water or air) inserted in the space below. If another mode in addition to the highway mode is used, enter the appropriate additional mode (e.g., and rail) in the space below. Primary exporters shipping RCRA hazardous waste to a facility located outside of the United States shall add to the end of the first sentence of the certification the following words "and conforms to the terms of the EPA Acknowledgment of Consent to the shipment" Generators may preprint the words, "On behalf of" in the signature block or may hand write this statement in the signature block prior to signing the generator certifications. All of the above information except the handwritten signature required in item 16 may be preprinted.

In signing the waste minimization certification statement, large quantity generators are certifying that they have a program in place to reduce the volume and toxicity of waste generated to the degree they have determined to be economically practicable and that they have selected the practicable method of treatment, storage or disposal currently available to them which minimizes the present and future threat to human health and the environment.

Small quantity generators are certifying that they "have made a good faith effort to minimize their waste generation and have selected the best waste management method that is available to them and that they can afford."

Item A. State Manifest Document Number: This is a state issued document number. It may not be altered.

Item B. State Generator's ID: If applicable, enter your Hazardous Waste Tax Account number issued by the Board of Equalization. This is a 12-character number.

Item C. [Reserved.]

Item D. Transporters Phone: Enter the telephone number of the first transporter who will transport the waste.

Item E. [Reserved.]

Item F. Transporter's Phone: Enter the telephone number of the second transporter who will transport the waste.

Item I. Waste Number: Enter the California Waste Category number listed in Table III on the back of the manifest which best identifies your waste. Also enter the appropriate EPA waste category number as listed in Title 40 CFR Part 261.

Item J. Additional Descriptions: Enter chemical composition for each waste category. List components corresponding to the waste category listed (e.g., %, ppm).

Items G, H and K --To be completed by TSD operator.

Item G. State Facilities ID: enter Identification Number.

Item H. Facility's phone: enter facility telephone number.

Item K. Handling Codes: enter waste handling code(s). Select appropriate code(s) from Table IV on the back of the manifest.

TRANSPORTERS.

Item 17. Transporter 1 Acknowledgment of Receipt of materials: enter the name of the person accepting the waste on behalf of the first transporter. That person shall acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Item 18. Transporter 2 Acknowledgment of Receipt of Materials: enter, if applicable, the name of the person accepting the waste on behalf of the second transporter. That person shall acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

OWNERS AND OPERATORS OF TREATMENT, STORAGE, OR DISPOSAL FACILITIES

Item 19. Discrepancy Indication Space: the authorized representative of the designated (or alternate) facility's owner or operator shall note in this space any significant discrepancy ~~discrepancies as defined in sections 66264.72(a) and (c), and 66265.72(a) and (c)~~ between the waste described on the Manifest and the waste actually received at the facility.

Owners and operators of facilities who cannot resolve significant discrepancies within 15 days of receiving the waste shall submit to the Department a letter with a copy of the Manifest at issue describing the discrepancy and attempts to reconcile it shall handle discrepancies pursuant to in accordance with the requirements specified in sections 66264.72 and 66265.72.

Item 20. Facility Owner or Operator Certification of Receipt of Hazardous Materials Covered by This Manifest Except as Noted in Item 19: print or type the name of the person accepting the waste on behalf of the owner or operator of the facility. That person shall acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

Item G. State Facility's ID: enter Identification number.

Item H. Facility's Phone: enter facility telephone number.

Item K. Handling Codes: enter waste handling codes. Select appropriate code(s) from Table IV on the back of the Manifest.

[Graphic omitted]

Illustration # 116: Manifest Continuation Form, EPA Form Number 8700-22A

Instructions-Continuation Sheet, U.S. EPA Form 8700-22A.

Read all instructions before completing this form.

This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used-press down hard. This form shall be used as a continuation sheet to DTSC DTSC Form 8022-A if:

- * more than two transporters are to be used to transport the waste;
- * more space is required for the U.S. DOT description and related information in Item 11 of DTSC DTSC Form 8022-A.

Federal and State regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage or disposal facilities to use the California Uniform Hazardous Waste Manifest (DTSC DTSC Form 8022-A) and, if necessary, this Continuation Sheet (EPA Form 8700-22A) for both inter- and intrastate transportation.

GENERATORS.

Item 21. Generator's Identification Number-Manifest Document Number: enter the generator's twelve digit Identification Number and the unique five digit number assigned to this Manifest (e.g., 00001) as it appears in item 1 on the first page of the Manifest.

Item 22. Page: enter the page number of this Continuation Sheet.

Item 23. Generator's Name: enter the generator's name as it appears in item 3 on the first page of the Manifest.

Item 24. Transporter--Company Name: if additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 3 Company Name. Each Continuation Sheet will record the names of two additional transporters.

Item 25. Identification Number: enter the twelve digit Identification Number of the transporter described in item 24.

Item 26. Transporter--Company Name: if additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 4 Company Name. Each Continuation Sheet will record the names of two additional transporters.

Item 27. Identification Number: enter the twelve digit Identification Number of the transporter described in item 26.

Item 28. U.S. DOT Description Including Proper Shipping Name, Hazardous Class or Division, ID Number (UN/NA), and Packing Group: wastes that are classified as non-RCRA hazardous wastes can be properly described by 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, subdivision (e) of this division. If not listed in chapter 11, Appendix X, subdivision (e) of this division, the commonly recognized industrial name of the waste shall be used. Refer to item 11.

Item 29. Containers (No. and Type): refer to item 12.

Item 30. Total Quantity: refer to item 13.

Item 31. Unit (Wt./Vol.): refer to item 14.

Item 32. Special Handling Instructions: generators may use this space to indicate special transportation, treatment, storage or disposal information or Bill of Lading information.

Item L. State Manifest Document Number: enter the same document number as printer in block A in the first page of the manifest.

Item M. State Generator's ID: refer to item B.

Item N. [Reserved.]

Item O. Transporter's phone: refer to item D.

Item P. [Reserved.]

Item Q. Transporter's phone: refer to item F.

Item R. Waste Number: refer to item I.

Item S. Additional descriptions: see item J.

Item T. Handling codes: see item K.

TRANSPORTERS.

Item 33. Transporter--Acknowledgment of Receipt of Materials: enter the same number of the Transporter as identified in item 24. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in item 24. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Item 34. Transporter--Acknowledgment of Receipt of Materials: enter the same number as identified in item 26. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in item 26. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

OWNERS AND OPERATORS OF TREATMENT, STORAGE OR DISPOSAL FACILITIES.

Item 35. Discrepancy Indication Space: refer to item 19.

NOTE: Authority cited: Sections 208, 25150, 25159 and 58012, Health and Safety Code.
References: Sections 25159, 25159.5 and 58012, Health and Safety Code; 40 CFR 262 Appendix.

4. Add section 66263.32 to the California Code of Regulations, title 22, division 4.5, chapter 13, article 3, to read as follows:

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

(a) The provisions of this section apply to the transporter of a hazardous waste of concern, as defined in section 66261.111(a).

(b) Upon discovering that a hazardous waste of concern is missing during transportation of that waste, and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c), the transporter shall immediately attempt to reconcile the reportable quantity or difference with the generator (e.g., with telephone conversations). If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the transporter shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and provide the following information:

(1) Generator name and identification number;

(2) Transporter(s) name(s), identification number(s), and, if available, transporter(s) registration number(s);

(3) Destination facility name and identification number;

(4) Manifest number;

(5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12, Article 7), quantity or volume of waste at issue, weight or volume units, and waste codes; and

(6) Potential locations or transportation routes where the hazardous waste of concern may have become missing (e.g., on highway or roads, rail line, transfer station, truck stop, etc.).

(c) If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, in addition to complying with subsection (b), within 5 days after the reportable quantity or difference was discovered, the transporter shall submit to the Department a letter describing the reportable quantity or difference and attempts to reconcile it, and a copy of the manifest.

(1) If the hazardous waste generator where the shipment originated is located in the counties of Los Angeles, Ventura, Santa Barbara, San Bernardino, Orange, Riverside, San Diego, or Imperial, the transporter shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205.

(2) If the hazardous waste generator where the shipment originated is located in any other county, or outside California, the transporter shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Northern California Branch, 8800 Cal Center Drive, Sacramento, California 95826-3200.

(d) This section shall not be interpreted or applied to require that any written report required to be made pursuant to 49 Code of Federal Regulations section 171.16 (as revised October 1, 2002) also be made, copied, or delivered by the transporter to the Department.

NOTE: Authority cited: Sections 25169.6, 25169.7 and 25169.8, Health and Safety Code. Reference: Sections 25169.5, 25169.6, 25169.7, and 25169.8 Health and Safety Code.

5. Amend California Code of Regulations, title 22, division 4.5, chapter 14, article 5, section 66264.71, to read as follows:

§ 66264.71. Use of Manifest System.

(a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the facility's agent, shall:

(1) sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;

(2) note any significant discrepancies in the manifest ~~(as defined in section 66264.72(a) and (e))~~ on each copy of the manifest;

(3) immediately give the transporter at least one copy of the signed manifest;

(4) within 30 days after the delivery, send a copy of the manifest to the generator;

(5) within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest used; and

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

(b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the Identification Numbers, generator's certification, and signatures), the owner or operator, or the facility's agent, shall:

(1) sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

(2) note any significant discrepancies ~~(as defined in section 66264.72(a) and (e))~~ in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

(3) immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

(4) within 30 days after the delivery, send a copy of the signed and dated manifest to the generator; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or the facility's agent, shall send a copy of the shipping paper signed and dated to the generator;

(5) within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest or shipping paper (if the manifest has not been received) used; and

(6) retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of chapter 12 of this division.

(d) Within three working days of the receipt of a shipment subject to the

requirements of 40 CFR Part 262, Subpart H or this article, the owner or operator of the facility shall provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and to competent authorities of all other concerned countries. The original copy of the tracking document shall be maintained at the facility for at least three years from the date of signature.

(e) Whenever hazardous waste is received by a facility from a transporter in a vehicle or bulk container that will be removed from the facility after emptying, the transporter shall determine by inspection whether the vehicle or bulk container is empty pursuant to section 66261.7 prior to the removal of the vehicle or bulk container from the facility.

(f) If a vehicle or bulk container cannot be rendered empty pursuant to section 66261.7 by equipment and methods available at the facility, the transporter shall follow the procedure in subsection (b) of section 66263.21.

(g) The provisions of section 66262.34 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of section 66262.34 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.

NOTE: Authority cited: Sections ~~208~~, 25150, 25159, 25159.5 and 58012, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 264.71.

6. Amend California Code of Regulations, title 22, division 4.5, chapter 14, article 5, section 66264.72, to read as follows:

§ 66264.72. Manifest Discrepancies.

(a) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are:

(1) for bulk waste, variations greater than 10 percent in weight; and
(2) for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload.

~~(1) Significant discrepancies in quantity are:
(A) for bulk waste, variations greater than 10 percent in weight; and
(B) for containerized waste, any variation in piece count, such as a discrepancy of one drum in a truckload.~~

~~(2) Significant discrepancies in type are obvious differences which that can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.~~

~~(b) Upon discovering a significant discrepancy in quantity or a significant discrepancy in type of a waste, except those listed in subsection (f) of this section, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator shall immediately submit to the Department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. The owner or operator shall mail the letter to the address listed in subsection (e) of this section.~~

~~(c) Priority discrepancies are differences between the quantity or type of a hazardous waste designated on the manifest or shipping paper and the quantity or type of a hazardous waste a facility actually receives, where either the hazardous waste manifested, or the hazardous waste actually received, is listed in subsection (f) of this section.~~

~~(1) Priority discrepancies in quantity are:
(A) for bulk waste, variations greater than 3 percent in weight or volume; and
(B) for containerized waste, any variation in piece count, such as a discrepancy of one drum in a truckload.~~

~~(2) Priority discrepancies in type are obvious differences that can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.~~

~~(d) Upon discovering a priority discrepancy in quantity or type, the owner or operator shall immediately attempt to reconcile the discrepancy with the waste generator or transporter. If the priority discrepancy is not resolved within 24 hours after discovery, the~~

owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information:

- (1) Facility name and identification number;
- (2) Generator name and identification number;
- (3) Transporter name, identification number, and transporter registration number;
- (4) Manifest number;
- (5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12, Article 7), quantity or volume of waste, weight or volume units, and waste codes.
- (6) Description of discrepancy, including volume or quantity at issue.
- (e) If the priority discrepancy is not resolved within 24 hours after discovery, in addition to complying with subsection (d) of this section, within 5 days after discovering the discrepancy, the owner or operator shall submit to the Department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(1) Owners or operators of facilities located in the counties of Los Angeles, Ventura, Santa Barbara, San Bernardino, Orange, Riverside, San Diego, and Imperial shall submit a letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205.

(2) Owners or operators of facilities located in any other county shall submit a letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Northern California Branch, 8800 Cal Center Drive, Sacramento, California 95826-3268.

(f) The provisions set forth in subsections (c), (d), and (e) of this section apply to hazardous wastes that are primarily composed of, or exhibit characteristics of, the following materials, as defined by the U.S. Department of Transportation under 49 CFR, Part 173:

- (1) Explosives (hazard division 1.1 through 1.6), as defined under 49 CFR section 173.50;
- (2) Poisonous Materials (hazard division 6.1) as defined under 49 CFR section 173.132;
- (3) Poisonous Gases (hazard division 2.3) as defined under 49 CFR section 173.115; and
- (4) Other regulated material or a mixture of materials that has similar properties to any of the types of materials listed in paragraphs (1) and (3) of this subsection.

(c) Upon discovering a discrepancy involving a hazardous waste of concern, as defined in section 66261.111(a), and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c), the owner or operator shall attempt to reconcile the reportable quantity or difference with the waste

generator or transporter. If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information:

(1) Facility name and identification number;

(2) Generator name and identification number;

(3) Transporter(s) name(s), identification number(s), and, if available, transporter(s) registration number(s);

(4) Manifest number;

(5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12, Article 7), quantity or volume of waste at issue, weight or volume units, and waste codes; and

(6) Potential locations or transportation routes where the hazardous waste of concern may have become missing (e.g., on highway or roads, rail line, transfer station, truck stop, etc.).

(d) If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, in addition to complying with subsection (c), within 5 days after discovering the reportable quantity or difference, the owner or operator shall submit to the Department a letter describing the reportable quantity or difference and attempts to reconcile it, and a copy of the manifest at issue.

(1) Owners or operators of facilities located in the counties of Los Angeles, Ventura, Santa Barbara, San Bernardino, Orange, Riverside, San Diego, or Imperial shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205.

(2) Owners or operators of facilities located in any other county, or out of state, shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Northern California Branch, 8800 Cal Center Drive, Sacramento, California 95826-3200.

NOTE: Authority cited: Sections ~~208~~, 25150, and 25159, 25169.6, 25169.7 and 25169.8, Health and Safety Code. Reference: Sections 25159, and 25159.5, 25169.5, 25169.6, and 25169.7, Health and Safety Code; 40 CFR Section 264.72.

7. Add section 66264.78 to the California Code of Regulations, title 22, division 4.5, chapter 14, article 5, to read as follows:

§ 66264.78. Reporting Hazardous Wastes of Concern Discovered to be Missing While In Storage.

(a) The owner or operator of a hazardous waste facility, except a facility operating under a Permit by Rule, Conditional Authorization, or Conditional Exemption, shall comply with reporting requirements set forth in this section, in the event that a hazardous waste of concern, as defined in section 66261.111(a), is discovered to be missing during storage at the facility, and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c).

(b) Upon discovering that a hazardous waste of concern is missing, and the waste at issue represents a reportable quantity or a reportable difference in type, the owner or operator shall immediately attempt to reconcile the reportable quantity or difference (e.g., by reviewing facility records). If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information:

(1) Facility name and identification number;

(2) Generator name and identification number, if available;

(3) Transporter name, identification number, and transporter registration number, if available;

(4) Manifest number, if available;

(5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12, Article 7), quantity or volume of waste at issue, weight or volume units, and waste codes; and

(6) Potential locations or transportation routes where the hazardous waste of concern may have become missing (e.g., areas at the facility the waste was handled or stored or during transportation to the facility on highway or roads, by rail line, transfer station, truck stop, etc.).

(c) If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, in addition to complying with subsection (b), within 5 days after discovering the reportable quantity or difference, the owner or operator shall submit to the Department a letter describing the reportable quantity or difference and attempts to reconcile it. The owner or operator shall mail the letter to the appropriate address for the county in which the facility is located, as specified in section 66264.72(d).

NOTE: Authority cited: Sections 25169.6, 25169.7 and 25169.8, Health and Safety Code. Reference: Sections 25169.5, 25169.6 and 25169.7, Health and Safety Code.

8. Amend California Code of Regulations, title 22, division 4.5, chapter 15, article 5, section 66265.71, to read as follows:

§ 66265.71. Use of Manifest System.

(a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the facility's agent, shall:

(1) sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;

(2) note any significant discrepancies in the manifest ~~(as defined in section 66265.72(a) and (e))~~ on each copy of the manifest;

(3) immediately give the transporter at least one copy of the signed manifest;

(4) within 30 days after the delivery, send a copy of the manifest to the generator;

(5) within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest used; and

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

(b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the Identification Numbers, generator's certification, and signatures), the owner or operator, or the facility's agent, shall:

(1) sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

(2) note any significant discrepancies ~~(as defined in section 66265.72(a) and (e))~~ in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

(3) immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

(4) within 30 days after the delivery, send a copy of the signed and dated manifest to the generator; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or the facility's agent, shall send a copy of the shipping paper signed and dated to the generator;

(5) within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest or shipping paper (if the manifest has not been received) used; and

(6) retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of chapter 12 of this division.

(d) Within three working days of the receipt of a shipment subject to the

requirements of 40 CFR Part 262, Subpart H or this article, the owner or operator of the facility shall provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street SW, Washington, DC 20460, and to competent authorities of all other concerned countries. The original copy of the tracking document shall be maintained at the facility for at least three years from the date of signature.

(e) Whenever hazardous waste is received by a facility from a transporter in a vehicle or bulk container that will be removed from the facility after emptying, the transporter shall determine by inspection whether the vehicle or bulk container is empty pursuant to section 66261.7 prior to the removal of the vehicle or bulk container from the facility.

(f) If a vehicle or bulk container cannot be rendered empty pursuant to section 66261.7 by equipment and methods available at the facility, the transporter shall follow the procedure in subsection (b) of section 66263.21.

(g) The provisions of section 66262.34 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of section 66262.34 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.

NOTE: Authority cited: Sections ~~208~~, 25150, 25159, 25159.5 and 58012, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 265.71.

9. Amend California Code of Regulations, title 22, division 4.5, chapter 15, article 5, section 66265.72 as follows:

§ 66265.72. Manifest Discrepancies.

(a) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are:

(1) for bulk waste, variations greater than 10 percent in weight; and

(2) for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload.

~~(1) Significant discrepancies in quantity are:~~

~~(A) for bulk waste, variations greater than 10 percent in weight; and~~

~~(B) for containerized waste, any variation in piece count, such as a discrepancy of one drum in a truckload.~~

~~(2) Significant discrepancies in type are obvious differences which that can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.~~

~~(b) Upon discovering a significant discrepancy in quantity or a significant discrepancy in type of a waste, except those listed in subsection (f) of this section, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator shall immediately submit to the Department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. The owner or operator shall mail the letter to the address listed in subsection (e) of this section.~~

~~(c) Priority discrepancies are differences between the quantity or type of a hazardous waste designated on the manifest or shipping paper and the quantity or type of hazardous waste a facility actually receives, where either the hazardous waste manifested, or the hazardous waste actually received, is listed in subsection (f) of this section.~~

~~(1) Priority discrepancies in quantity are:~~

~~(A) for bulk waste, variations greater than 3 percent in weight or volume; and~~

~~(B) for containerized waste, any variation in piece count, such as a discrepancy of one drum in a truckload.~~

~~(2) Priority discrepancies in type are obvious differences that can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.~~

~~(d) Upon discovering a priority discrepancy in quantity or type, the owner or operator shall immediately attempt to reconcile the discrepancy with the waste generator or transporter. If the priority discrepancy is not resolved within 24 hours after discovery, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-~~

800-698-6942) and providing the following information:

- (1) Facility name and identification number;
- (2) Generator name and identification number;
- (3) Transporter name, identification number, and transporter registration number;
- (4) Manifest number;
- (5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12, Article 7), quantity or volume of waste, weight or volume units, and waste codes.
- (6) Description of discrepancy, including volume or quantity at issue.
- (e) If the priority discrepancy is not resolved within 24 hours after discovery, in addition to complying with subsection (d) of this section, within 5 days after discovering the discrepancy, the owner or operator shall submit to the Department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(1) Owners or operators of facilities located in the counties of Los Angeles, Ventura, Santa Barbara, San Bernardino, Orange, Riverside, San Diego, and Imperial shall submit a letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Southern California Branch, 1011 North Grandview Avenue, Glendale, California 91201.

(2) Owners or operators of facilities located in any other county shall submit a letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Northern California Branch, 8800 Cal Center Drive, Sacramento, California 95826-3200.

(f) The provisions set forth in subsections (c), (d), and (e) of this section apply to hazardous wastes that are primarily composed of, or exhibit characteristics of, the following materials, as defined by the U.S. Department of Transportation under 49 CFR, Part 173:

(1) Explosives (hazard division 1.1 through 1.6), as defined under 49 CFR section 173.50;

(2) Poisonous Materials (hazard division 6.1) as defined under 49 CFR section 173.132;

(3) Poisonous Gases (hazard division 2.3) as defined under 49 CFR section 173.115; and

(4) Other regulated material or a mixture of materials that has similar properties to any of the types of materials listed in paragraphs (1) and (3) of this subsection.

(c) Upon discovering a discrepancy involving a hazardous waste of concern, as defined in section 66261.111(a), and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c), the owner or operator shall attempt to reconcile the reportable quantity or difference with the waste generator or transporter. If the reportable quantity or difference is not reconciled within 24

hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information:

(1) Facility name and identification number;

(2) Generator name and identification number;

(3) Transporter(s) name(s), identification number(s), and, if available, transporter(s) registration number(s);

(4) Manifest number;

(5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12, Article 7), quantity or volume of waste at issue, weight or volume units, and waste codes; and

(6) Potential locations or transportation routes where the hazardous waste of concern may have become missing (e.g., on highway or roads, rail line, transfer station, truck stop, etc.).

(d) If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, in addition to complying with subsection (c), within 5 days after discovering the reportable quantity or difference, the owner or operator shall submit to the Department a letter describing the reportable quantity or difference and attempts to reconcile it, and a copy of the manifest at issue.

(1) Owners or operators of facilities located in the counties of Los Angeles, Ventura, Santa Barbara, San Bernardino, Orange, Riverside, San Diego, or Imperial shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205.

(2) Owners or operators of facilities located in any other county, or out of state, shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Northern California Branch, 8800 Cal Center Drive, Sacramento, California 95826-3200.

NOTE: Authority cited: Sections ~~208~~, 25150, and 25159, 25169.6, 25169.7, and 25169.8, Health and Safety Code. Reference: Sections ~~25159~~, and ~~25159.5~~, 25169.5, 25169.6, and 25169.7, Health and Safety Code; 40 CFR Section 265.72.

10. Add section 66265.78 to the California Code of Regulations, title 22, division 4.5, chapter 15, article 5, to read as follows:

§ 66265.78. Reporting Hazardous Wastes of Concern Discovered to be Missing While In Storage.

(a) The owner or operator of a hazardous waste facility, except a facility operating under a Permit by Rule, Conditional Authorization, or Conditional Exemption, shall comply with reporting requirements set forth in this section, in the event that a hazardous waste of concern, as defined in section 66261.111(a), is discovered to be missing during storage at the facility, and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c).

(b) Upon discovering that a hazardous waste of concern is missing, and the waste at issue represents a reportable quantity or a reportable difference in type, the owner or operator shall immediately attempt to reconcile the reportable quantity or difference (e.g., by reviewing facility records). If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information:

(1) Facility name and identification number;

(2) Generator name and identification number, if available;

(3) Transporter name, identification number, and transporter registration number, if available;

(4) Manifest number, if available;

(5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12, Article 7), quantity or volume of waste at issue, weight or volume units, and waste codes; and

(6) Potential locations or transportation routes where the hazardous waste of concern may have become missing (e.g., areas at the facility the waste was handled or stored or during transportation to the facility on highway or roads, by rail line, transfer station, truck stop, etc.).

(c) If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, in addition to complying with subsection (b), within 5 days after discovering the reportable quantity or difference, the owner or operator shall submit to the Department a letter describing the reportable quantity or difference and attempts to reconcile it. The owner or operator shall mail the letter to the appropriate address for the county in which the facility is located, as specified in section 66265.72(d).

NOTE: Authority cited: Sections 25169.6, 25169.7 and 25169.8, Health and Safety Code. Reference: Sections 25169.5, 25169.6 and 25169.7, Health and Safety Code.

11. Amend California Code of Regulations, title 22, division 4.5, chapter 20, article 3, section 66270.30, to read as follows:

§ 66270.30. Conditions Applicable to All Permits.

The following conditions apply to all permits. All conditions applicable to permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the appropriate regulations shall be given in the permit.

(a) Duty to comply. The permittee shall comply with all conditions of this permit, except that the permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit. (See section 66270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of the appropriate statute or regulation and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(b) Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit.

(c) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) In the event of noncompliance with the permit, the permittee shall take all reasonable steps to minimize or correct releases to the environment, and shall carry out all measures as are reasonable to prevent and correct adverse impacts on human health or the environment.

(e) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(f) Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(g) Property rights. The permit does not convey any property rights of any sort, or any exclusive privilege.

(h) Duty to provide information. The permittee shall furnish to the Department, within a reasonable time, not to exceed 30 days unless a time extension is approved by the

Department, any relevant information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

(i) Inspection and entry. The permittee shall allow an authorized representative of the Department, the State Water Resources Control Board or a Regional Water Quality Control Board, upon the presentation of credentials and other documents as may be required by law to:

(1) enter at reasonable times upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(2) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(3) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(4) sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by law, any substances or parameters at any location.

(j) Monitoring and records.

(1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, the certification required by section 66264.73(b)(9) of this division, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, certification, or application. This period may be extended by request of the Department at any time. The permittee shall maintain records from all groundwater monitoring wells and associated ground water surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.

(3) Records for monitoring information shall include:

(A) the date, exact place, and time of sampling or measurements;

(B) the name(s) of the individual(s) who performed the sampling or measurements;

(C) the date(s) analyses were performed;

(D) the name(s) of the individual(s) who performed the analyses;

(E) the analytical techniques or methods used; and

(F) the results of such analyses.

(k) Signatory requirements. All applications, reports, or information submitted to the Department shall be signed and certified. (See section 66270.11.)

(l) Reporting requirements. (1) Planned changes. The permittee shall give notice to

the Department as soon as possible and at least 30 days in advance of any planned physical alterations or additions to the permitted facility.

(2) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee shall not transfer, treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee shall not transfer, treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in section 66270.42, until:

(A) the permittee has submitted to the Department by certified mail or hand delivery a letter signed by the permittee and a professional engineer, registered in California, stating that the facility has been constructed or modified in compliance with the permit; and

(B)1. the Department has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

2. if within 15 days of the date of submission of the letter in subsection (l)(2)(A) of this section, the permittee has not received notice from the Department of the Department's intent to inspect, prior inspection is waived and the permittee may commence transfer, treatment, storage, or disposal of hazardous waste.

(3) Transfers. This permit is not transferable to any person except after notice to the Department. The Department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary. (See section 66270.40.)

(4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(5) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(6) Twenty-four hour reporting.

(A) The permittee shall report any noncompliance which may endanger health or the environment orally within 24 hours from the time the permittee becomes aware of the circumstances, including:

1. information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies;

2. any information of a release or discharge of hazardous waste or of a fire or explosion from the hazardous waste facility, which could threaten the environment or human health outside the facility.

(B) The description of the occurrence and its cause shall include:

1. name, address, and telephone number of the owner or operator;

2. name, address, and telephone number of the facility;

3. date, time, and type of incident;

4. name and quantity of material(s) involved;

5. the extent of injuries, if any;

6. an assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

7. estimated quantity and disposition of recovered material that resulted from the incident.

(C) A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Department may waive the 5-day written notice requirement in favor of a written report within 15 days.

(7) Manifest discrepancy report. If a significant discrepancy in a manifest ~~as defined in sections 66264.72(a) and (c), and 66265.72(a) and (c)~~ is discovered, the permittee shall attempt to reconcile the discrepancy. If not resolved within fifteen days, the permittee shall submit a letter report, including a copy of the manifest, to the Department. ~~(See section 66264.72.) handle the discrepancy in accordance with the requirements specified in sections 66264.72 and 66265.72.~~

(8) Unmanifested hazardous waste report. This report shall be submitted to the Department within 15 days of receipt of unmanifested waste. (See section 66264.76.)

(9) Annual report. An annual report shall be submitted to the Department covering facility activities during the previous calendar year. (See section 66264.75.)

(10) Other noncompliance. The permittee shall report all instances of noncompliance not reported under subsections (l)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in subsection (l)(6) of this section.

(11) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application of in any report to the Department, it shall promptly submit such facts or information.

(m) Information repository. For facilities applying for a RCRA permit, the Director may require the permittee to establish and maintain an information repository at any time, based on the factors set forth in section 66271.33(b). The information repository will be governed by the provisions in section 66271.33(c) through (f).

NOTE: Authority cited: Sections ~~208~~, 25150, ~~and~~ 25159 and 58012, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.30.