

**Text of Proposed Regulations
Facilities Annual Report Regulations (R-2011-01)**

Amend California Code of Regulations, title 22, division 4.5, chapter 12, section **66262.41** to read:

Section 66262.41. Biennial Report.

(a) For the Biennial report on 1995 activities, only generators that are required under Title 40 of the Code of Federal Regulations (CFR), section 262.41 to prepare and submit this report are subject to this section. This report, due on March 1, 1996 is to be submitted on U.S. EPA form 8700-13A/B ~~(5-80) (8-95)~~ (OMB #2050-0024 Expires 12/31/2014) provided by the Department. Generators required to submit this report for activities conducted during 1995 are generators which meet any of the following criteria:

- (1) The site generated in any single month 1,000 kg (2,200 lbs) or more of RCRA hazardous waste; or
- (2) The site generated in any single month, or accumulated at any time, 1 kg (2.2 lbs) of RCRA acute hazardous waste; or
- (3) The site generated or accumulated at any time more than 100 kg (220 lbs) of spill cleanup materials contaminated with RCRA acute hazardous waste; or
- (4) The site treated, stored, or disposed of RCRA hazardous waste on site in units subject to RCRA permitting requirements during 1995.

(b) A generator who ships any hazardous waste offsite to a transfer, treatment, storage or disposal facility within the United States shall prepare and submit a single copy of a Biennial Report, EPA Form 8700-13A/B, ~~5-80, (Revised 11-89)~~ (OMB #2050-0024 Expires 12/31/2014) to the Department by March 1 of each even-numbered year. The Biennial Report shall be submitted on forms provided by the Department and shall cover generator activities during the previous calendar year, and shall include the following information:

- (1) the identification number, name and address of the generator;
- (2) the calendar year covered by the report;
- (3) the identification number, name and address for each off-site transfer, treatment, storage or disposal facility in the United States to which waste was shipped during the year;

(4) the name and Identification Number of each transporter used during the reporting year for shipments to a transfer, treatment, storage or disposal facility within the United States;

(5) a description, EPA hazardous waste number (from chapter 11, articles 3 or 4 of this division), California Hazardous Waste Category Number, from chapter 11, Appendix XII, DOT hazard class, and quantity of each hazardous waste shipped offsite to a transfer, treatment, storage or disposal facility within the United States. This information shall be listed by identification number of each such offsite facility to which waste was shipped. 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, the commonly recognized industrial name of the waste shall be used;

(6) a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;

(7) a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984;

(8) the certification signed by the generator or authorized representative.

(c) Any generator who treats, stores or disposes of hazardous waste onsite shall submit an ~~annual~~ biennial report covering those wastes in accordance with the provisions of chapters 20, 14, 15 and 16 of this division. Reporting for exports of hazardous waste is not required on the Biennial Report form. A separate annual report requirement is set forth in section 66262.56.

(d) Additional information concerning the quantities and disposition of wastes identified or listed in chapter 11 shall be required as needed by the Department or USEPA Administrator.

Note: Authority cited: Sections ~~208~~, 25150, 25159, ~~and 25161~~ and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5, 25160 and 25244.4, Health and Safety Code; 40 CFR Section 262.41.

Amend California Code of Regulations, title 22, division 4.5, chapter 14, section **66264.73** to read:

Section 66264.73. Operating Record.

(a) The owner or operator shall keep a written operating record at the facility.

(b) The following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(1) A description and quantity of each hazardous waste received, and method(s) and date(s) of its transfer, treatment, storage, or disposal at the facility as required by Appendix I, of this chapter;

...

(6) monitoring, testing, or analytical data and corrective action where required by article 6 and sections 66264.19, 66264.191, 66264.193, 66264.195, 66264.222, 66264.223, 66264.226, 66264.252, 66264.253, 66264.254, ~~66264.276~~, 66264.278, 66264.280, 66264.302, 66264.303, 66264.304, 66264.309, 66264.347, 66264.602, 66264.1034(c) through 66264.1034(f), 66264.1035, 66264.1063(d) through 66264.1063(i), 66264.1064, and 66264.1082 through 66264.1090;

...

NOTE: Authority cited: Sections 25150 and 25159, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25208.4(c), Health and Safety Code; and 40 CFR Section 264.73.

Add California Code of Regulations, title 22, division 4.5, chapter 14, section **66264.73.5** to read:

Section 66264.73.5. Report of Environmental Monitoring

The owner or operator shall prepare and submit an annual environmental monitoring report to the Department by March 1 of each calendar year. The report shall consist of data from the facility operating record from environmental monitoring activities conducted during the previous calendar year and shall include:

- (a) The amount of liquids removed from each leak detection system sump where required by section 66264.226 (d)(1) and/or (2);
- (b) The amount of liquids removed from each leak detection system sump where required by section 66264.254(c);
- (c) The amount of liquids removed from each leak detection system sump where required by section 66264.303(c)(1) and/or (2);
- (d) A map, including the exact location and dimensions of each cell, and the contents of each cell where required by section 66264.309(a) and(b);
- (e) Monitoring, testing, analytical data, where required by section 66264.602; and
- (f) Monitoring, testing, analytical data, where required by Article 6.

NOTE: Authority cited: Sections 25150, 25159 and 58012, Health and Safety Code.
Reference: Sections 25159, 25159.5 and 58012 Health and Safety Code.

Amend California Code of Regulations, title 22, division 4.5, chapter 14, section **66264.75** to read:

Section 66264.75. Annual Biennial Report.

~~For the Annual report on activities for 1995, only facilities that are required under Title 40 of the Code of Federal Regulations (CFR), section 264.75 to prepare and submit this report are subject to this section for the report.~~

~~This Report, due on March 1, 1996 is to be submitted on U.S. EPA form 8700-13A/B (5-80) (8-95) provided by the Department. Facilities required to submit this report for activities conducted during 1995 are facilities which treated, stored, or disposed of RCRA hazardous waste on site in units subject to RCRA permitting requirements during 1995.~~

The owner or operator shall prepare and submit a single copyies of an annual a biennial report to the Department and the appropriate regional water quality control board by March 1 of each even numbered year. The annual biennial report shall be submitted on forms provided by the Department, EPA Form 8700-13A/B, 5-80, (Revised 11-89) (OMB #2050-0024 Expires 12/31/2014). The report shall cover facility activities during the previous calendar year and shall include:

- (a) the Identification Number, name, and address of the facility;
- (b) the calendar year covered by the report;
- (c) for off-site facilities, the Identification Number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report shall give the name and address of the foreign generator;
- (d) a description, including any applicable EPA hazardous waste number from chapter 11, articles 3 or 4 of this division, California Hazardous Waste Number from chapter 11, Appendix XII of this division, and DOT hazard class, and the quantity of each hazardous waste the facility received during the year. Wastes that are classified as non-RCRA wastes shall be described by indicating a generic name of the waste and the phrase "Non-RCRA Hazardous Waste." When possible, the generic name shall be obtained from chapter 11, Appendix X, subdivision (e) of this division. If the generic name is not listed in chapter 11, Appendix X, subdivision (e) the commonly recognized industrial name of the waste shall be used. For off-site facilities, this information shall be listed by Identification Number of each generator;

- (e) the method of transfer, treatment, storage, or disposal for each hazardous waste;
- (f) reserved;
- (g) the most recent closure cost estimate under section 66264.142, and, for disposal facilities, the most recent post-closure cost estimate under section 66264.144; and
- (h) for generators who transfer, treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;
- (i) for generators who transfer, treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984;
- (j) the certification signed by the owner or operator of the facility or the facility's authorized representative;
- ~~(k) the environmental monitoring data specified in section 66264.73;~~
- ~~(l) the owner or operator shall certify the following in writing for waste shipped offsite after January 1, 1990.~~

~~The certification shall be attached to the Annual Report and include the following:~~

- ~~(1) whether the hazardous waste shipped offsite has a heating value of 3,000 British Thermal Units per pound of waste or less, and a volatile organic compound (VOC) content of one percent or less by weight; and~~
- ~~(2) if the waste had a heating value or VOC content greater than that specified in subsection (1)(1), that:~~
 - ~~(A) the waste was incinerated or treated by any method that has been authorized by the Department as part of a hazardous waste facility permit issued pursuant to Health and Safety Code section 25200; or~~
 - ~~(B) the waste is exempted from the requirements of chapter 18, article 12; or~~
 - ~~(C) the waste was recycled; or~~
 - ~~(D) the waste was shipped out of California for incineration, treatment, disposal or recycling.~~

Note: Authority cited: Sections ~~208~~, 25150, ~~and 25159~~ and 58012, Health and Safety Code. Reference: Sections ~~25155.5~~, 25159, 25159.5 ~~and~~, 25202.9 and 58012, Health and Safety Code; 40 CFR Section 264.75.

Amend California Code of Regulations, title 22, division 4.5, chapter 14, section **66264.77** to read:

Section 66264.77. Additional Reports.

In addition to submitting the ~~annual~~biennial reports and unmanifested waste reports described in sections 66264.75 and 66264.76, the owner or operator shall also report to the Department:

(a) releases, fires, and explosions as specified in section 66264.56(j);

(b) facility closures specified in section 66264.115; ~~and~~

(c) environmental monitoring data as specified in section 66264.73.5; and

(ed) as otherwise required by chapter 14, articles 6, 7 through 14, 27, 28 and 28.5, of this division.

NOTE: Authority cited: Sections 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 264.77.

Amend California Code of Regulations, title 22, division 4.5, chapter 15, section **66265.73** to read:

Section 66265.73. Operating Record.

(a) The owner or operator shall keep a written operating record at the facility.

(b) The following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(1)...

(6) monitoring, testing, or analytical data, and corrective action when required by article 6 and sections 66265.19, 66265.90, 66265.94, 66265.191, 66265.193, 66265.195, 66265.222, 66265.223, 66265.226, 66265.255, 66265.259, 66265.260, ~~66265.276~~, 66265.278, 66265.280(d)(1), 66265.302 through 66265.304, 66265.347, 66265.377, 66265.1034(c) through 66265.1034(f), 66265.1035, 66265.1063(d) through 66265.1063(i), 66265.1064, and 66265.1083 through 66265.1090.

...

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25245 and 58012, Health and Safety Code. Reference: Sections 25150, 25159, 25159.5, and 25208.4(c), Health and Safety Code; and 40 CFR Section 265.73.

Add California Code of Regulations, title 22, division 4.5, chapter 15, section **66265.73.5** to read:

Section 66265.73.5. Report of Environmental Monitoring.

The owner or operator shall prepare and submit an annual environmental monitoring report to the Department by March 1 of each calendar year. The report shall consist of data from the facility operating record from environmental monitoring activities conducted during the previous calendar year and shall include:

- (a) The amount of liquids removed from each leak detection system sump where required by section 66265.226(b)(1) and/or (2);
- (b) The amount of liquids removed from each leak detection system sump where required by section 66265.260;
- (c) The amount of liquids removed from each leak detection system sump where required by section 66265.304(a) and/or (b);
- (d) A map, including the exact location and dimensions of each cell, and the contents of each cell where required by section 66265.309(a) and (b);
- (e) The results of the environmental quality assessment program where required by section 66265.714(b)(2); and
- (f) Monitoring, testing, analytical, data where required by Article 6.

NOTE: Authority cited: Sections 25150, 25159 and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5 and 58012 Health and Safety Code.

Amend California Code of Regulations, title 22, division 4.5, chapter 15, section **66265.75** to read:

Section 66265.75. Annual-Biennial Report.

~~For the Annual report on activities for 1995, only facilities that are required under Title 40 of the Code~~

~~Federal of Regulations (CFR), section 265.75 to prepare and submit this report are subject to this section for the report. This Report, due on March 1, 1996 is to be submitted on U.S. EPA form 8700-13A/B (5-80) (8-95) provided by the Department.~~

~~Facilities required to submit this report for activities conducted during 1995 are facilities which treated, stored, or disposed of RCRA hazardous waste on site in units subject to RCRA permitting requirements during 1995.~~

The owner or operator shall prepare and submit a single copy of an ~~annual~~ biennial report to the Department and the appropriate regional water quality control board by March 1 of each even numbered year. The ~~annual~~ biennial report shall be submitted on forms provided by the Department EPA Form 8700-13A/B, 5-80, ~~(Revised 11-89)~~ (OMB #2050-0024 Expires 12/31/2014). The report shall cover facility activities during the previous calendar year and shall include the following information:

- (a) the Identification Number, name, and address of the facility;
- (b) the calendar year covered by the report;
- (c) for off-site facilities, the Identification Number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report shall give the name and address of the foreign generator;
- (d) a description, including any applicable EPA hazardous waste number from chapter 11, article 3 or 4 of this division, California Hazardous Waste Number from chapter 11, Appendix XII of this division, and DOT Hazardous class, and the quantity of each hazardous waste the facility received during the year. Wastes that are classified as non-RCRA wastes shall be described by indicating a generic name of the waste and the phrase "Non-RCRA Hazardous Waste." When possible, the generic name shall be obtained from chapter 11, Appendix X, subdivision (e) of this division. If the generic name is not listed in chapter 11, Appendix X, subdivision (e), the commonly recognized industrial name of the waste shall be used. For off-site facilities, this information shall be listed by Identification Number of each generator;
- (e) the method of transfer, treatment, storage, or disposal for each hazardous waste;
- (f) monitoring data under article 6 of this chapter where required;
- (g) the most recent closure cost estimate under section 66265.142, and, for disposal facilities, the most recent post-closure cost estimate under section 66265.144; and
- (h) for generators who ~~transfer~~, treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;
- (i) for generators who ~~transfer~~, treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the

year in comparison to previous years to the extent such information is available for the years prior to 1984;

(j) the certification signed by the owner or operator of the facility or the facility's authorized representative;

~~(k) the environmental monitoring data specified in section 66265.73;~~

~~(l) the owner or operator shall certify the following in writing for waste shipped offsite after January 1, 1990.~~

~~The certification shall be attached to the Annual Report, and include the following:~~

~~(1) whether the hazardous waste shipped offsite has a heating value of 3,000 British Thermal Units per pound of waste or less, and a volatile organic compound (VOC) content of one percent or less by weight; and~~

~~(2) if the waste had a heating value or VOC content greater than that specified in subsection (l)(B)(1), that:~~

~~(A) the waste was incinerated or treated by any method that has been authorized by the Department as part of a hazardous waste facility permit issued pursuant to Health and Safety Code section 25200; or~~

~~(B) the waste is exempted from the requirements of chapter 18, article 12; or~~

~~(C) the waste was recycled; or~~

~~(D) the waste was shipped out of California for incineration, treatment, disposal or recycling.~~

Note: Authority cited: Sections 208, 25150, ~~and 25159~~ and 58012, Health and Safety Code. Reference: Sections ~~25155.5, 25159, 25159.5, and 25202.9~~ and 58012, Health and Safety Code 40 CFR 265.75.

Amend California Code of Regulations, title 22, division 4.5, chapter 15, section **66265.77** to read:

Section 66265.77. Additional Reports.

In addition to submitting the ~~annual~~ biennial report and unmanifested waste reports described in sections 66265.75 and 66265.76, the owner or operator shall also report to the Department:

(a) releases, fires, and explosions as specified in section 66265.56(j);

(b) ground-water contamination and monitoring data as specified in sections 66265.93 and 66265.94;

(c) facility closure as specified in section 66265.115; ~~and~~

(d) environmental monitoring data as specified in section 66265.73.5; and

~~(de)~~ as otherwise required by chapter 15, articles 6 through 17, and Articles 27, 28 and 28.5 of this division.

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25245 and 58012, Health and Safety Code. Reference: Sections 25150, 25159, 25159.5 and 25208.4(c), Health and Safety Code; and 40 CFR Section 265.77.

Amend California Code of Regulations, title 22, division 4.5, chapter 15, section **66265.714** to read:

Section 66265.714. Recordkeeping and Reporting at Interim Status Facilities.

(a) Unless the owner or operator provides monitoring that satisfies the requirements of section 66265.713(d), the owner or operator shall report monitoring information to the Department at least annually, including the concentrations or values of the parameters in accordance with section 66265.712 for each sampling station.

(b) If the owner or operator provides monitoring that satisfies the requirements of section 66265.713(d), the owner or operator shall:

(1) keep records of the analyses and evaluations specified in the plan, which satisfies the requirements of section 66265.713(c), throughout the active life of the facility and, for disposal facilities, throughout the post-closure care period as well;

(2) annually, until final closure of the facility, submit to the Department a report containing the results of the environmental quality assessment program which includes, but is not limited to, the calculated (or measured) rate of migration of hazardous waste or hazardous waste constituents in soil, soil-pore gas, and in air during the reporting period. This report shall be submitted as part of the annual report required under section 66265.73.5.

NOTE: Authority cited: Sections ~~208 and~~ 25150 and 58012, Health and Safety Code. Reference: Sections 25150(a), 25159, 25159.5, ~~and~~ 25245 and 58012, Health and Safety Code.

Amend California Code of Regulations, title 22, division 4.5, chapter 20, section **66270.30** to read:

Section 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) ...

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

...

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

...

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

Amend California Code of Regulations, title 22, division 4.5, chapter 20, section **66270.60** to read:

Section 66270.60. Permits by Rule.

(a)...

(d) Except as provided in Section 67450.9, the following shall be deemed to have a permit if the conditions listed are met:

(1) The owner or operator of a publicly owned treatment works (POTW). The owner or operator of a POTW which accepts hazardous waste for treatment, shall be deemed to have a permit if the requirements of subsections (d)(1)(A) through (d)(1)(E) of this section are met:

(A) The owner or operator shall have a National Pollutant Discharge Elimination System (NPDES) permit and waste discharge requirements issued by a Regional Water Quality Control Board;

(B) The owner or operator shall comply with the conditions of the NPDES permit and waste discharge requirements;

(C) The owner or operator shall comply with the following regulations:

1. Section 66264.11, Identification Number;
2. Section 66264.71, Use of Manifest System;
3. Section 66264.72, Manifest Discrepancies;
4. Section 66264.73(a) and (b)(1), Operating Record;
5. Section 66264.75, ~~Annual~~Biennial Report; and
6. Section 66264.76, Unmanifested Waste Report,
7. For NPDES permits issued after November 8, 1984, section 66264.801.

(D) The waste shall meet all Federal, State, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance;

(E) Hazardous wastes generated by a POTW shall be managed in compliance with the requirements of this chapter.

...

NOTE: Authority cited: Sections 25150, 25159 and 58012, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code.