

**SECTION 100 REGULATIONS; REGULATORY TEXT REVISIONS FROM  
LEGISLATURE INITIATED STATUTORY CHANGES;  
DTSC REFERENCE NUMBER: R-2012-03**

**TEXT OF PROPOSED REGULATIONS**

**The following shows the exact changes (highlighted in bold, underlined red for additions and highlighted in double-strikeout green for deletions) being made to the text of the existing State regulations:**

**Section 66263.18. Exempt Transfer Facility.**

- (a) A transfer facility, as defined in section 25123.3(a)(3) of the Health and Safety Code, ~~is~~ **shall** not **be** subject to the requirements of chapters 14, 15, 18 and 20 regarding a permit for waste storage when, during the normal course of transportation, hazardous waste is held as specified in subsection (b), and:
- (1) **all** manifested shipments of packaged or containerized hazardous wastes meeting the packaging requirements of section 66262.30 ~~are~~ **shall** only **be** transferred from one vehicle to another; and
  - (2) ~~the~~ **all** packages or containers used in this transfer shall be the same packages or containers used for transporting the hazardous wastes and no additional handling shall take place.
- (b) Hazardous waste is held at a transfer facility ~~and~~ **pursuant to** any one of the following **conditions** ~~apply~~:
- ...
- ...
- (2) if located in an area zoned agricultural by the local planning authority that commenced initial operations before January 1, 2005 and is located within 500 feet of a structure identified in ~~subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (b) of Section 25232 of the~~ Health and Safety Code, **section 25232, subdivision (b), paragraph (1), subparagraphs (A) to (E),** and hazardous waste is held for six days or less.
  - (3) if located on land zoned by the local planning authority for other land use, unless subject to paragraph (1) and (2) of subsection (b) or not prohibited by subsection (c) **of this section**, and hazardous waste is held for six days or less.
- (c) The transfer facility exemption of this section does not apply and is prohibited as follows:
- (1) **if located** on property zoned residential by the local planning authority; or
  - (2) **if located** at a transfer facility that commenced initial operations on and after January 1, 2005 and is located within 500 feet of a structure identified in ~~subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (b) of section 25232 of the~~ Health and Safety Code **section 25232, subdivision (b), paragraph (1), subparagraphs (A) to (E).**

Note: Authority cited: Sections 25150, 25159, 25159.5 and 25168.1, Health and Safety Code.  
Reference: Sections 25123.3, 25159, 25159.5 and 25232, Health and Safety Code; and 40 Code of Federal Regulations Section 263.12.

## Section 66263.41. General Requirements.

- (a) A transporter shall not transport hazardous waste under the provisions of this article without being registered with the Department.
- (b) A transporter who is granted a variance under the provisions of this article is exempt from the requirements of ~~sections 25160, 25168 and 25169.1 of the~~ Health and Safety Code, **sections 25160, 25168.1 and 25169** regarding the use of the manifest, certification of vehicles and containers, and transporter insurance and from the requirements of this division adopted pursuant to those sections. In lieu of those requirements, the requirements of this article shall apply.
- (c) The hazardous waste shall be transported in accordance with the regulations of the Department of California Highway Patrol (title 13, California Code of Regulations, article 3, commencing with section 1160, subchapter 6, chapter 2), the **federal rules regulations** of the U. S. Department of Transportation (DOT) (Code of Federal Regulations, ~~Title 49~~ **49 CFR**, Parts 172, commencing with section 172.1, and **49 CFR, Part** 173, commencing with section 173.1), and the **federal rules regulations** of the **U.S.** EPA (~~Code of Federal Regulations, Title 40~~ **CFR**, Part 263, commencing with section 263.10). This paragraph shall not be construed to exempt the transporter from any other regulation unless expressly stated.
- (d) A transporter who intends to operate under a variance category defined by this article shall apply to the Department by submitting a Transporter Regulatory Exemption Application/Variance form (~~DTSC Form 1294, Rev. 04/12~~ **DHS 8463, Rev. 1/04**), provided by the Department, before initiating the operation and at each renewal of their Hazardous Waste Transporter Registration. The application shall be signed by the transporter and shall include the following information:
- (1) name, mailing address, telephone number, **U.S.** EPA or State ID number and the Hazardous Waste Transporter Registration Number;
  - (2) the type or types, ~~and the~~ physical characteristics and chemical composition of hazardous wastes to be transported under each variance;
- ...
- ...
- (e) The Department shall review the application/variance form for completeness and for applicability of the provisions of this article to the intended transportation operation. A variance granted pursuant to this article shall be effective upon completion of the application/variance form by the Department and issuance to the transporter, in accordance with Health and Safety Code section 25143 and **California Code of Regulations, Title 22,** section 66260.210 ~~of this division.~~
- (f) Any transporter applying for and receiving a variance under this article shall **have an** ~~be exempt~~ **ion** from the variance fee prescribed in ~~subdivision (g) of the~~ Health and Safety Code, section 25205.7, **subdivision (g)**, provided such exemption is specifically requested in the application and specifically authorized by the Department.
- (g) The transporter shall send a copy of the variance to the generator prior to operating under the variance to **show** evidence **of** authority for such operation.

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Note: Authority cited: Sections ~~208~~, 25143, 25159 and 25205.7, Health and Safety Code.  
Reference: Section 25143, Health and Safety Code.

### **Section 66263.43.** Specific Requirements for Emergency Response Incident Operations.

(a) A transporter operating in accordance with this section shall be a state, local or county governmental agency emergency response incident unit.

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(d) The transporter is exempt from the requirements of sections ~~66263.11(a)(1)(B), 66263.11(a)(3) and~~ 66263.13 regarding the vehicles and containers used to transport the hazardous wastes pursuant to this section.

(e) The transporter is exempt from the requirements of sections 66263.20 and 66263.21 regarding the use of the manifest. In lieu of the manifest, the transporter shall use a shipping paper which contains all the information required pursuant to **49 CFR Title 49, Code of Federal Regulations**, Part 172, Subpart C. The shipping paper must accompany the hazardous waste when transported from the incident site to the transporter's central collection facility.

(f) Transportation of the hazardous waste from the transporter's central collection facility to a hazardous waste facility shall be performed by a registered hazardous waste transporter using certified vehicles and/or containers. The hazardous waste shall be delivered to a permitted facility or to a facility which has been granted interim status, or to a facility which has been otherwise authorized to receive hazardous waste pursuant to ~~chapter 6.5 of the division 20 of the~~ Health and Safety Code, **division 20, chapter 6.5**, and **their** implementing regulations. The hazardous waste shall be properly manifested in accordance with the requirements of this chapter on the use of the Uniform Hazardous Waste Manifest.

(g) In addition to the information required in the application submitted pursuant to section 66263. **41(d)** ~~40(a)(3)~~, the transporter shall provide the location of the central collection facility.

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Note: Authority cited: Sections ~~208~~, 25143, 25150, **25159** and 25161, Health and Safety Code.  
Reference: Sections 25143, 25160, 25168, **1**, **and** 25169 ~~and 25169.4~~, Health and Safety Code.

### **Section 66263.44.** Specific Requirements for PCB Waste Operations.

(a) A transporter operating in accordance with this section shall be any governmental agency or public utility that transports polychlorinated biphenyl (PCB) wastes

generated within the transporter's service area. The transporter shall also be the generator of the PCB wastes.

- (b) The transporter is exempt from the requirements of sections ~~66263.11(a)(1)(B), 66263.11(a)(3) and~~ 66263.13 regarding the vehicles and containers used to transport the PCB wastes pursuant to this section.
- (c) In addition to the information required in the application submitted pursuant to section 66263.41(d) ~~40(a)(3)~~, the transporter shall provide the location of the central collection facility.
- (d) The transporter is exempt from the requirements of sections 66263.20 and 66263.21 regarding the use of the manifest. In lieu of the manifest, the transporter shall use a shipping paper which contains all the information required pursuant to 49 CFR Title 49, Code of Federal Regulations, Part 172, Subpart C. The shipping paper must accompany the PCB wastes when transported from the transporter's service area to the transporter's central collection facility.
- (e) Transportation of the PCB wastes from the transporter's central collection facility to a hazardous waste facility shall be performed by a registered hazardous waste transporter using certified vehicles and/or containers. The PCB wastes shall be delivered to a permitted facility or to a facility which has been granted interim status, or to a facility which has been otherwise authorized to receive hazardous waste pursuant to ~~chapter 6.5 of division 20 of the~~ Health and Safety Code, division 20, chapter 6.5, and their implementing regulations. The PCB wastes shall be properly manifested in accordance with the requirements of this chapter on the use of the Uniform Hazardous Waste Manifest.

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Note: Authority cited: Sections ~~208~~, 25143, 25150, 25159 and 25161, Health and Safety Code.  
Reference: Sections 25143, 25160, 25168, 1, and 25169 ~~and 25169.4~~, Health and Safety Code.

#### **Section 66263.45. Specific Requirements for Consolidation Operations.**

- (a) A transporter operating in accordance with this section shall be any person that transports hazardous waste to a non-permitted, temporary, hazardous waste storage facility in accordance with section 66263.18 for the purpose of consolidation of waste loads. The transporter shall also be the generator of the hazardous waste.
- (b) The transporter is exempt from the requirements of sections ~~66263.11(a)(1)(B), 66263.11(a)(3) and~~ 66263.13 regarding the vehicles and containers used to transport the hazardous waste pursuant to this section.
- (c) In addition to the information required in the application submitted pursuant to section 66263.41(d) ~~40(a)(3)~~, the transporter shall provide the location of the temporary hazardous waste storage facility.
- (d) The transporter is exempt from the requirements of sections 66263.20 and 66263.21 regarding the use of the manifest. In lieu of the manifest, the transporter shall use a shipping paper which contains all the information required pursuant to 49 CFR Title 49, Code of Federal Regulations, Part 172, Subpart C. The shipping paper must

accompany the hazardous wastes when transported from the place of generation to the transporter's temporary storage facility.

- (e) This section applies only to hazardous wastes that are either:
- (1) collected from generators who meet the requirements of ~~40 CFR title 40 of the Code of Federal Regulations~~, sections ~~s~~ 261.5(a) and 261.5(g), as of July 1, 1988; or

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- (g) Transportation of the hazardous wastes from the temporary storage facility to a hazardous waste facility shall be performed by a registered hazardous waste transporter using a certified vehicle and/or containers. The hazardous waste shall be delivered to a permitted facility or to a facility which has been granted interim status, or to a facility which has been otherwise authorized to receive hazardous wastes pursuant to ~~chapter 6.5 of division 20 of the~~ Health and Safety Code, **division 20, chapter 6.5**, and **their** implementing regulations. The hazardous waste shall be properly manifested in accordance with the requirements of this chapter on the use of the Uniform Hazardous Waste Manifest.

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Note: Authority cited: Sections ~~208~~, 25143, 25150, **25159** and 25161, Health and Safety Code.  
Reference: Sections 25143, 25160, 25168, **1**, **and** 25169 ~~and 25169.4~~, Health and Safety Code.

#### **Section 66263.46. Specific Requirements for Small Load Operations.**

- (a) A transporter operating in accordance with this section shall only transport hazardous wastes in amounts no greater than 100 kilograms per load and no greater than 1,000 kilograms per calendar month, which is the total quantity of hazardous waste which shall be hauled by the transporter.
- (b) This section applies only to hazardous wastes that are either:
- (1) subject to reclamation agreements with generators of greater than 100 kilograms per month but less than 1,000 kilograms per month pursuant to the requirements of ~~40 CFR Title 40 of the Code of Federal Regulations~~, sections 262.20(e) and 263.20(h), as of July 1, 1988; or
  - (2) collected from generators who meet the requirements of ~~40 CFR Title 40 of the Code of Federal Regulations~~, sections 261.5(a) and 261.5(g), as of July 1, 1988; or

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- (d) The transporter is exempt from the requirements of sections ~~66263.11(a)(1)(B), 66263.11(a)(3) and~~ 66263.13 regarding the vehicles and containers used to transport the hazardous wastes pursuant to this section.
- (e) The transporter shall only deliver the hazardous waste to a permitted facility or to a facility which has been granted interim status, or to a facility which has been

otherwise authorized to receive hazardous wastes pursuant to ~~chapter 6.5 of division 20 of the~~ Health and Safety Code, division 20, chapter 6.5, and their implementing regulations.

- (f) The transporter is exempt from the requirements of sections 66263.20 and 66263.21 regarding the use of the manifest. In lieu of the manifest, the transporter shall use a shipping paper which contains all the information required pursuant to 49 CFR Title 49, Code of Federal Regulations, Part 172, Subpart C. The shipping paper must accompany the hazardous wastes when transported from the place of generation to the facility designated pursuant to subsection (e). In addition, the transporter shall include the name, address and U.S. EPA Identification Number of the designated facility on the shipping paper.

Note: Authority cited: Sections ~~208~~, 25143, 25150, 25159 and 25161, Health and Safety Code.  
Reference: Sections 25143, 25160, 25168, 1, and 25169 ~~and 25169.4~~, Health and Safety Code.