



Guidance Document, January 2010

Regulatory Status of Wet Floors At Electroplating Facilities

Disclaimer: *The guidance contained in this document is limited in scope to determining the regulatory status of wet floors at electroplating facilities only. This guidance does not discuss other related issues, such as deteriorated, damaged, or compromised floor surface issues, or other issues at electroplating or other facilities.*

Electroplating (commonly called “plating”) is typically performed in a series of tanks and/or containers in close proximity to one another. Plating solutions are a mixture of chemicals that are used for electroplating operations. Plating solutions typically contain a high concentration of dissolved metals and various other chemicals, which may include cyanide. Most hazardous waste generated in plating operations indirectly arises from drag-out when parts to be plated are moved from one tank to another. Drag-out is the plating bath solution that is carried over from tank to tank, including the rinse tanks, along with the work piece that is being plated. Because of the constant movement of plating parts from plating bath to rinse baths, drag-out continuously spills on the floor unless protective measures are taken. Rinse tanks and other process tanks used in metal cleaning and metal preparation may also drip or leak onto the floor. The liquids or solutions in these process tanks may also be hazardous and drip or leak onto the floor; this could become a waste accumulation issue. In many plating facilities, the spilled drag-out and/or cleaning solutions continue to accumulate on the floor due to sloppy house-keeping and/or tanks continuously overflowing to the floor. Such a floor with accumulated drag-out is called a “wet floor”. *Please note that the term “wet floor” is not defined in [California Code of Regulations \(Cal. Code Regs.\), title 22](#), or in [Health and Safety Code \(Health & Saf. Code\), Division 20](#).*

Several issues complicate the determination of the regulatory status of wet floors. This guidance document highlights the key elements which must be considered when assessing the applicability of the regulations to “wet floor” operations at electroplating facilities. To facilitate this discussion, we will consider related issues in the following three sections. *Typically, a plating facility is a large quantity generator (LQG); therefore, this guidance has been developed considering the facility as an LQG.*





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Section 1: Waste Determination

1. Plating material from a plating process that spills on the floor is hazardous waste if:

- it contains chemical constituents above hazardous waste regulatory levels. *For the purpose of this guidance we assume that the plating solutions (both used and unused) are hazardous;*
- hazardous waste exemptions and permitting exclusions do not apply (see Appendix 3 for exemptions and exclusions);
- the material is discarded; and
- the material is relinquished by (a) disposal, (b) burned or incinerated, or (c) accumulated, stored or treated, but not recycled, before or in lieu of, being disposed of, burned or incinerated. In the scenario of plating operations, if the spilled hazardous material is left on the floor for an unreasonable period of time, the material would be considered “relinquished” (Cal. Code Regs., tit. 22, § 66261.2(c)) by being left (i.e., stored or accumulated) on the floor rather than being properly managed.

2. What is a reasonable period of time?

The hazardous waste regulations do not provide an objective standard in this regard. A case-specific determination must be made. In the case of plating operations, if a waste is removed by the end of the work shift and no later than 24 hours from first being noticed, it could be considered a reasonable period of time. *Please note that since a reasonable period of time is not defined in Cal. Code Regs., tit.22 or in Health & Saf. Code, Division 20, the reasonable period of time stated in this paragraph should be used only as guidance for encouraging good housekeeping by the facility.*

3. How is the plating solution spilled on the floor regulated?

If the plating solution spilled on the floor is immediately/promptly (i.e., without delay) cleaned up, it would not be considered “relinquished” while on the floor.

The spilled residues (i.e., the “cleaned up” materials), however, may or may not be wastes depending upon how the residues are managed. Pursuant to Health & Saf. Code § 25143.2 if:

- the spilled plating solution (used or unused) is immediately cleaned up and the spill residues are reinserted directly back into the process, then they are not wastes and are not subject to hazardous waste regulations; or
- the spilled plating solution is used or unused material that is immediately cleaned up, and the spill residues are then reclaimed for reuse, one would have to





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determine the material's status under RCRA regulations and the State's hazardous waste recycling law.

If the plating solution spilled on the floor is **not** immediately/promptly cleaned up, then the spilled solution would be "relinquished"; and thus a waste. If the waste is hazardous, the applicable generator/facility standards would apply.

If the waste is left on the floor for up to ninety (90) days, all applicable generator standards would apply (Cal. Code Regs., tit. 22, § 66262.34).

If the relinquishment is longer than 90 days then a hazardous waste storage facility permit must be obtained from DTSC (Cal. Code Regs., tit. 22, § 66262.34(c)).

Section 2: Plating Area Floor

If the plating solution that spills/accumulates on a plating floor is a hazardous waste, the regulatory standards applicable to the plating floor must be determined. To address this issue consider how various equipment used for accumulation/storage of hazardous waste are defined and regulated. The devices used for the storage of hazardous wastes at plating facilities include sumps, surface impoundments, tanks, and miscellaneous units (please refer to Appendix 1 for definitions of these devices.)

Based on the definitions of storage devices, the floor of a plating area would be considered a tank or part of a tank (ancillary equipment) if:

- the floor in the plating area is composed of non-earthen (concrete, steel, plastic, wood, etc.) material and is surrounded by a non-earthen berm that provides structural support to hold liquid (*typically, plating facilities consider the bermed floor as secondary containment for the plating bath solutions. However, if the plating solution accumulates on the floor as relinquished/discarded hazardous material, the relinquished residue becomes a hazardous waste. Therefore, the secondary containment for the plating tanks becomes a hazardous waste storage tank as defined in Appendix 1.*); or
- the floor (whether it is bermed or not) is designed (e.g., sloped, trenched, etc.) to collect and transport spilled hazardous waste to an adjoining sump (Cal. Code Regs., tit. 22, § 66260.10). *Since a sump must meet the definition of a tank, the floor connected to the sump would then be ancillary equipment for the sump.*

In both the above situations, the wet floor would be regulated as a hazardous waste tank and must meet all required tank standards, including an assessment by a professional engineer and installation of secondary containment that meets standards.





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If the floor does not meet either of the situations stated above, then the wet floor would be considered a miscellaneous unit. Therefore, the facility would require a permit from DTSC.

In making a determination about the status of a wet floor, the inspector must determine if the berm is adequately designed to hold the waste within the bermed area of the floor. For example, if the berm is composed of wood or plastic strips in a manner that it may not provide complete support to the liquid contained in it, the floor may not be considered a tank but a miscellaneous unit.

Section 3: Regulatory Options:

The following four regulatory options are available for the spilled drag-out on the floor of the plating operation:

Option 1: If the spilled drag-out is cleaned up in a reasonable time period, it would not be considered a waste and therefore, hazardous waste requirements would not be applicable.

Option 2: If the spilled drag-out is not cleaned up in a reasonable time period but is cleaned up **within** 90 days of the first spill of drag-out, then the floor would be regulated as a hazardous waste tank. In this option, the facility should comply with all hazardous waste generator requirements including tank assessment and certification by a professional engineer. (If the floor continuously holds hazardous waste spills, then hazardous waste storage facility permit requirements will apply. See option 3)

Option 3: If the spilled drag-out is accumulated on the floor for more than 90 days of the first spill of drag-out, then the facility would be regulated as a hazardous waste facility. In this option, the facility must obtain a hazardous waste storage facility permit from DTSC. The floor would be considered a hazardous waste tank and all requirements including tank assessment, certification by a professional engineer, and financial assurance requirements will apply.

If the floor is determined to be a tank and hazardous waste accumulated on the floor is directly transported (through a sump, a pipeline, or a trench) to a treatment unit, the floor will become a part of the treatment unit and must comply with onsite treatment standards, including financial assurance requirements.

Option 4: If the floor is determined to be a miscellaneous unit (as defined in Appendix 1), then an appropriate permit must be obtained from DTSC. Please note that there is no 90-day generator exemption for miscellaneous units and miscellaneous units do not exist under Cal. Code Regs., tit. 22, Ch. 15.



Regulatory Status of Wet Floors at Electroplating Facilities

APPENDIX 1

DEFINITIONS

Ancillary equipment means any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to a storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

Drip pad is an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation, and surface water run-on to an associated collection system at wood preserving plants.

Miscellaneous unit means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under part 146 of this chapter, containment building, corrective action management unit, unit eligible for a research, development, and demonstration permit under Cal. Code Regs., tit. 22, § 66270.65, or staging pile.

Sump means any pit or reservoir that meets the definition of **tank** and those troughs/trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that as used in the landfill, surface impoundment, and waste pile rules, “sump” means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

Surface impoundment or *impoundment* means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

Tank means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

Tank system means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

APPENDIX 2

Title 22 Excerpts

§66261.2. Definition of Waste.

- (a) "Waste means any discarded material of any form (for example, liquid, semi-solid, solid or gaseous) that is not excluded by section 66261.4(a) or section 66261.4(e) or that is not excluded by Health and Safety Code section 25143.2(b) or Health and Safety Code section 25143.2(d).
- (b) A discarded material is any material which is any of the following:
- (1) relinquished as explained in subsection (c) of this section; or
 - (2) recycled, as explained in subsection (d) of this section; or
 - (3) considered inherently waste-like, as explained in paragraph (e) of this section.
- (c) A material is a waste if it is relinquished by being any of the following:
- (1) disposed of:
 - (2) burned or incinerated:
 - (3) accumulated, stored or treated, but not recycled, before or in lieu of, being relinquished by being disposed of, burned or incinerated.
- (d) A material is a waste if it is recycled, or accumulated, or stored or treated before recycling, by being managed:
- (1) through being used in a manner constituting disposal:
 - (A) material noted with an "*" in column 1 of Table 1 are wastes when they are:
 1. applied to or placed on the land in a manner that constitutes disposal: or
 2. used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself is a waste):
 - (B) however, commercial chemical materials listed in section 66261.33, which are discarded commercial chemical products, off-specification species, container residues, or spill residues thereof, and which are applied to the land and application to the land is their ordinary manner of use are non-RCRA hazardous wastes. Commercial chemical products which are "retrograde materials" as defined in section 66260.10 are not wastes until they become "recyclable materials" pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10;
 - (2) through being burned for energy recovery:
 - (A) materials noted with an "*" in column 2 of Table 1 are wastes when they are:
 1. burned to recover energy;
 2. used to produce a fuel or are otherwise contained in fuels (in which cases the fuel itself is a waste);

- (B) however, commercial chemical materials listed in section 66261.33, which are discarded commercial chemical products, off-specification species, container residues, or spill residues thereof, and which are fuels are non-RCRA hazardous wastes. Commercial chemical products which are “retrograde materials” as defined in section 66260.10 are not wastes until they become “recyclable materials” pursuant to subsection (e) of the definition of “recyclable materials” in section 66260.10;
- (3) through being reclaimed: materials noted with an “*” or “**” in column 3 of Table 1 are wastes when reclaimed;
- (4) through being accumulated speculatively: materials noted with an “*” or “**” in column 4 of Table 1 are wastes when accumulated speculatively.

TABLE 1

Column	Use Constituting Disposal 66261.2(d)(2) (1)	Energy Recovery/Fuel 66261.2(d)(2) (2)	Speculative Reclamation 66261.2(d)(3) (3)	Accumulation 66261.2(d)(4) (4)
Spent Material	*	*	*	*
Sludges listed in Section 66261.31 Or 66261.32	*	*	*	*
Sludges exhibiting a characteristic of hazardous waste	*	*	**	*
By-products (listed In section 66261.31 Or 66261.32	*	*	*	*
By-product exhibiting a characteristic of hazardous waste	*	*	**	*
Commercial chemical products (listed in section 66261.33)	*	*	**	**

- (e) A material is a waste if it is inherently waste-like when it is recycled. The following materials are wastes when they are recycled:
 - (1) Hazardous Waste Nos. F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026 and F028.
 - (2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in articles 3 or 4 of this chapter, except for brominated material that meets the following criteria:
 - (A) The material must contain a bromine concentration of at least 45%; and
 - (B) The materials must contain less than a total of 1% of toxic organic compounds listed in appendix VIII; and
 - (C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).
- (f) A material is a waste if it poses a threat to human health or the environment and meets either, or both of the following:
 - (1) it is mislabeled or not adequately labeled, unless the material is correctly labeled or adequately labeled within 10 days after the material is discovered to be mislabeled or inadequately labeled:
 - (2) it is packaged in deteriorated or damaged containers, unless the material is contained in sound or undamaged containers within 96 hours after the containers are discovered to be deteriorated or damaged.

§66261.3. Definition of Hazardous Waste.

- (a) A waste, as defined in section 66261.2, is a hazardous waste if:
 - (1) it is not excluded from classification as a waste or a hazardous waste under Health and Safety Code section 25143.2(b) or 25143.2(d) or section 66261.4; and
 - (2) it meets any of the following criteria:
 - (A) it exhibits any of the characteristics of hazardous waste identified in article 3 of this chapter except that any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded under 40 CFR section 261.4(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste under Article 3 of this chapter only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred or if it continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the Toxicity Characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentrations for any contaminant listed in table I to section 66261.24 that would not have been exceeded by the excluded

waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture;

- (B) it is listed in article 4 of this chapter and has not been excluded by the USEPA Administrator from 40 CFR Part 261 Subpart D pursuant to 40 CFR sections 260.20 and 260.22;
- (C) it is listed in or contains a constituent listed in Appendix X to this chapter. However, the waste is not a hazardous waste if:
 - 1. it is determined that the waste does not meet the criteria of subsection (a)(2)(B) of this section; and
 - 2. it is determined that the waste does not meet the criteria of subsection (a)(2)(A) of this section by:
 - i. testing the waste according to the methods set forth in article 3 of this chapter, or according to an equivalent method approved by the Department pursuant to section 66260.21; or
 - ii. applying knowledge of the hazardous properties of the waste in light of the materials or the processes used and the characteristics set forth in article 3 of this chapter;
- (D) it is listed in article 4.1 of this chapter;
- (E) it is a mixture of a hazardous waste that is listed in article 4 of this chapter other than a hazardous waste listed with hazard code (T) or (H), and another waste, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in article 3 of this chapter. However, nonwastewater mixtures are still subject to the requirements of chapter 18 of this division, even if they no longer exhibit a characteristic at the point of land disposal;
- (F) it is a mixture of a waste and one or more hazardous wastes listed in article 4 of this chapter which has not been excluded by the USEPA Administrator from 40 CFR Part 261 Subpart D pursuant to 40 CFR sections 260.20 and 260.22. However, the following mixtures of wastes and hazardous wastes listed in article 4 of this chapter are not hazardous wastes (except by application of subsection (a)(2)(A) or (a)(2)(B) of this section) if the generator can demonstrate that the mixture consists of wastewater, the discharge of which is subject to regulation under either section 402 or section 307(b) of the Clean Water Act (including wastewater at facilities which have eliminated the discharge of wastewater), and:
 - 1. one or more of the following spent solvents listed in section 66261.31 -- carbon tetrachloride, tetrachloroethylene, trichloroethylene -- provided, that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the

facility's wastewater treatment or pretreatment system does not exceed 1 part per million; or

2. one or more of the following spent solvents listed in section 66261.31 -- methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents -- provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million; or
3. heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste No. K050); or
4. a discarded commercial chemical product, or chemical intermediate listed in section 66261.33 arising from "de minimis" losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this subsection, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packing and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; or
5. wastewater resulting from laboratory operations containing toxic (T) wastes listed in article 4 of this chapter, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system, or provided the wastes, combined annualized average concentration does not exceed one part per million in the headworks of facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation; or
6. One or more of the following wastes listed in 40 CFR § 261.32- wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157)-Provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that can not be demonstrated to be reacted in the process, destroyed through treatment, or is recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process

wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight; or

7. Wastewaters derived from the treatment of one or more of the following wastes listed in 40 CFR § 261.32-organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156).-Provided, that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter.
 8. it is not classified as a hazardous waste by application of the criteria in subsections (a)(2)(A) through (a)(2)(F) of this section, but has been classified as a hazardous waste by the Department because it otherwise conforms to the definition of hazardous waste set forth in Health and Safety Code section 25117.
- (b) A waste which is not excluded from classification as a waste or hazardous waste under the provisions of section 66261.4(b) or Health and Safety Code section 25143.2(b) or 25143.2(d) becomes a hazardous waste when any of the following events occur:
- (1) In the case of a waste listed in article 4 of this chapter, when the waste first meets the listing description set forth in article 4 of this chapter;
 - (2) In the case of a waste listed in article 4.1 of this chapter, when the waste first meets the listing description set forth in article 4.1 of this chapter;
 - (3) In the case of a mixture of waste and one or more hazardous wastes listed in article 4 of this chapter, when the hazardous waste listed in article 4 of this chapter is first added to the waste.
 - (4) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in article 3 of this chapter.
- (c) Hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment-manufacturing unit, is not subject to regulation under parts 262 through 265, 268, 270, 271 and 124 of this chapter or to the notification requirements of section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.

§ 66262.34 Accumulation time.

- (a) Except as provided in subsections (c) and (d) of this section and section 66262.35, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:

(1) (A) the waste is placed in containers and the generator complies with the applicable requirements of articles 9, 27, 28 and 28.5 of chapter 15 of this division, or the waste is placed in tanks and the generator complies with articles 10, 27, 28, and 28.5 of chapter 15 of this division, except sections 66265.197(c) and 66265.200. In addition, such a generator is exempt from all the requirements in articles 7 and 8 of chapter 15 of this division, except for sections 66265.111 and 66265.114; or

(B) the waste is placed in drip pads and the generator complies with the applicable requirements of articles 17.5, 27, 28 and 28.5 of chapter 15 and maintains the following records at the facility:

1. a description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and
2. documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; and/or

(C) the waste is placed in containment buildings and the generator complies with article 29 of chapter 15 of this division, has placed its professional engineer (PE) certification that the building complies with the design standards specified in 66265.1101 in the facility's operating records no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

1. a written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit, and documentation that the procedures are complied with; or
2. documentation that the unit is emptied at least once every 90 days; and

(2) the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; and

(3) the generator complies with the requirements of subsection (f) of this section; and

(4) the generator complies with the requirements for owners or operators in articles 3 and 4 of chapter 15 of this division and with section 66265.16, and with section 66268.7(a)(5).

(b) The beginning of the 90 day period specified in subsections (a) and (c) of this section is determined as follows:

(1) if the generator does not generate more than 100 kilograms of hazardous waste or one kilogram of acutely hazardous waste (listed in section 66261.33(e)) or one kilogram of extremely hazardous waste during any calendar month, the 90 day period begins on the date the generator has accumulated 100 kilograms of hazardous waste or one kilogram of acutely hazardous waste or one kilogram of extremely hazardous waste;

(2) if the generator generates more than 100 kilograms of hazardous waste or one kilogram of acutely hazardous waste or one kilogram of extremely hazardous waste during any calendar month, the 90-day period begins on the first date on which any amount of hazardous waste begins to accumulate during that month.

(c) A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of chapter 14 and 15 of this division and the permit requirements of chapter 20 of this division, unless the generator has been granted an extension to the 90-day period or meets the requirements of subsection (d) and (e) of this section. An extension may be granted pursuant to section 66262.35 if non-RCRA or RCRA exempt hazardous wastes must remain onsite for longer than 90 days. An extension may be granted by the department if RCRA hazardous waste must remain onsite for longer than 90 days due to unforeseeable, temporary, and uncontrollable circumstances. An extension of up to 30 days for RCRA hazardous waste may be granted at the discretion of the Department on a case-by-case basis.

§66264.1. Purpose, Scope and Applicability.

(g) The requirements of this chapter do not apply to:

(2) the owner or operator of a facility managing recyclable materials described in section 66261.6(a)(2)(B) of this division (except to the extent they are referred to in article 8 of chapter 16 of this division);

(3) a generator accumulating waste on-site in compliance with section 66262.34 of this division;

(8)(A) except as provided in subsection (g)(8)(B) of this section, a person engaged in treatment or

containment activities during immediate response to any of the following situations:

1. a discharge of a hazardous waste;
2. an imminent and substantial threat of a discharge of hazardous waste;
3. a discharge of a material which, when discharged, becomes a hazardous waste;

§66265.1. Purpose, Scope, and Applicability.

(d) The requirements of this chapter do not apply to:

(6) the owner or operator of a facility managing recyclable materials described in section 66261.6(a)(2)(B) of this division (except to the extent they are referred to in article 8 of chapter 16 of this division);

(7) a generator accumulating waste on-site in compliance with section 66262.34 of this division, except to the extent the requirements are included in section 66262.34 of this division;

(11)(A) except as provided in subsection (d)(11)(B) of this section, a person engaged in treatment or

containment activities during immediate response to any of the following situations:

1. a discharge of a hazardous waste;
2. an imminent and substantial threat of a discharge of a hazardous waste;
3. a discharge of a material which, when discharged, becomes a hazardous waste;

Article 10. Tank Systems

§66264.190. Applicability.

The requirements of this article apply to owners and operators of facilities that use tank systems for transferring, storing or treating hazardous waste except as otherwise provided in subsections (a), (b) and (c) of this section or in section 66264.1 of this chapter.

- (b) Tank systems, including sumps, as defined in section 66260.10, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in section 66264.193(a) of this article.

§66265.190. Applicability.

The regulations of this article apply to owners and operators of facilities that use tank systems for transferring, storing or treating hazardous waste, except as otherwise provided in subsections (a) and (b) of this section or in section 66265.1 of this chapter.

- (b) Tank systems, including sumps, as defined in section 66260.10, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in section 66265.193(a).

APPENDIX 3

Hazardous Waste Exclusions and Permitting Exemptions

§66261.4. Exclusions.

Materials which are not wastes:

subsection (a)(5) secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided only tank storage is involved (the entire process through completion of reclamation is closed by being entirely connected with pipes); and the materials are never accumulated for over twelve months without being reclaimed.

Subsection (c) - Materials which are not wastes until it exits the associated non-waste treatment/manufacturing unit in which it was generated.

Exemptions from Permitting Requirements.

66265.1(d)(11)(A) cleaned up immediately (exempt from hazardous waste requirements; and

66265.34 cleaned up routinely (daily, weekly) and accumulated in a tank, container, or drip pad for less than 90 days.