



**Remote Site Consolidation of
Non-RCRA Haz Waste**
(M-B2) March 20, 2023




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Introduction to the Regulatory Agencies
Several regulatory agencies – Federal and State – have a role in the transportation of hazardous waste – both RCRA and non-RCRA




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U.S. Environmental Protection Agency (EPA)




- Creates & enforces Federal regulations for management of waste nationwide.
- Regulatory burden based on Haz Waste generator category.




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Department of Toxic Substances Control (DTSC)




- Creates & enforces state regulations for management of waste solely w/i CA.
- More stringent & more broad than EPA.
- Regulatory burden based on Haz Waste generator category.




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U.S. Department of Transportation (DOT)



- Creates & enforces Federal regulations for transport of hazardous materials (HazMat) nationwide.
 - Includes some – not all – waste.
- States – including CA – can't change USDOT regulations.




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VSQG Consolidation of Hazardous Waste at LQG

EPA's Generator Improvements Rule allows for the remote site consolidation of VSQG hazardous waste (i.e., RCRA Haz Waste) under certain conditions.


DTSC has not adopted the Generator Improvements Rule.




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Where is Generator Improvements Rule in Effect?



Last updated March 10, 2023




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40 CFR 262.14(a)(8)(viii)
40 CFR 262.17(f)

EPA Very Small Quantity Generator Waste Consolidation (1 of 2)

- Consolidate multiple VSQG RCRA Haz Waste at LQG under same ownership.
- At VSQG mark & label containers:
 - "Hazardous Waste"
 - Indicate hazards.




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40 CFR 262.14(a)(4)(viii)
40 CFR 262.17(f)

EPA Very Small Quantity Generator Waste Consolidation (2 of 2)

- Consolidate multiple VSQG RCRA Haz Waste at LQG under same ownership.
- At LQG:
 - Notify state of all locations participating.
 - Recordkeeping for each shipment.
 - Manage consolidated Haz Waste as LQG.
 - Report in Biennial Report.



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<https://dtsc.ca.gov/generator-improvements-rule/>

Status of VSQG Consolidation at LQG in California



Optional Provisions

DTSC may also adopt other provisions of the GIR identified as either providing greater flexibility for generators or equivalent to California's existing regulations. These provisions are considered optional because they are less stringent than California's existing hazardous waste program.

The following are provisions that have been identified by DTSC as optional provisions.

Optional provisions that are being considered for adoption in a second regular rulemaking package include:

- New requirements allowing very small quantity generators to voluntarily send their hazardous waste to certain large quantity generators (40 CFR 262.14(a)(5)(vii) and 262.17(f))




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Remote Site Consolidation of Non-RCRA Hazardous Waste

An exemption from some DTSC regulations for hazardous waste manifest and registration of the transporter. But, the conditions must be met!




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HSC 25110.10(b)

What is Remote Site Consolidation?

- Non-RCRA Haz Waste initially collected at a remote site and transported to a consolidation site operated by the generator of the waste is deemed to be generated at the consolidation site and exempt from manifest and transporter registration if the specified conditions are met.



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22 CCR 66260.10

Who is the Owner?

- "Owner" is person who owns facility or part of facility.
- It is not necessary for remote site or consolidation site to be owned by generator of non-RCRA Haz Waste.

However...

- Both remote site & consolidation site must be operated by generator of non-RCRA Haz Waste.




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22 CCR 66260.10

Who is the Operator?

- "Operator" is person responsible for overall operation of facility.
- There can be only one operator at each remote site or consolidation site.
- Both remote site & consolidation site must be operated by generator of non-RCRA Haz Waste.



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22 CCR 66260.10

Who is the Owner or Operator?

- "Owner or operator" is owner or operator of any facility or activity subject to regulation as Haz Waste generator.
- It is not necessary for remote site or consolidation site to be owned by generator of non-RCRA Haz Waste.

However...

- Both remote site & consolidation site must be operated by generator of non-RCRA Haz Waste.




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22 CCR 66260.10

Who is the Generator?

- "Generator" or "Producer" is person, by site, whose act or process produces hazardous waste identified or listed as a Haz Waste or whose act first causes Haz Waste to become subject to regulation.




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DTSC Cell Site Letter 03.26.19

Operator of Remote Site Must be Generator of non-RCRA Haz Waste

- The three statutes of the exemption (HSC 25110.10, 25121.3, & 25163.3) work together by the inclusion of a common term "operated by the generator" which supports the regulatory scheme of whomever is the operator of the remote site is also the generator of the remote site.




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DTSC Cell Site Letter 03.26.19

Operator of Remote Site Must be Generator of non-RCRA Haz Waste

- As defined at HSC 25121.3 for remote site & HSC 25110.10 for consolidation site, both must be operated by generator of non-RCRA Haz Waste.



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HSC 25110.10(b)(1)
HSC 25121.3(b)(1)
HSC 25163.3(a)

What Waste is Eligible?


- Non-RCRA Haz Waste.

Or...

- Exempt RCRA Haz Waste.

If...

- Not generated by "large spill cleanup activities".



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What is Exempt RCRA Hazardous Waste?

Is:

- RCRA Haz Waste exempt or excluded from regulation as Haz Waste or its management at remote site exempt or excluded from USEPA regulations.

Isn't:

- RCRA Haz Waste generated by very small quantity generator (VSQG).




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HSC 25110.10(b)(2)

What is a Large Spill Cleanup Activities?

- Spill cleanup operation generates:
 - >275 gal of non-RCRA Haz Waste.
- Or...
- >2,500 lb of non-RCRA Haz Waste.
- Whichever is greater.




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What is the Remote Site?

The generation and initial management of the non-RCRA Haz Waste takes place here.



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HSC 25121.3(0)

What is a Remote Site?

- Operated – not necessarily owned – by generator.
- Point non-RCRA Haz Waste initially collected.
- Generator staff not routinely located.


→

And...

- Not contiguous to staffed site of generator.

Or...

- Public road required for access to staffed site.




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HSC 25121.3(0)

Generator Staff not Routinely Located



- Security staff N/A.
- Generator staff visits N/A that are:
 - Periodic scheduled or random.
 - Less frequently than daily.
- For purpose of:
 - Inspection
 - Monitoring
 - Maintenance activities.



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DTSC Cell Site Letter 03.26.19

Remote Site v. Unstaffed Facility

- "Facilities that meet the conditions of Health and Safety Code section 25507.2 for "unstaffed facilities" are not the same as those that meet the definitions of "remote site" in Health and Safety Code section 25121.3. These two separate statutes have differing conditions and exemptions."



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HSC 25121.3(b)(3)

Management of Waste at Remote Site Health and Safety Training



- Before being assigned to handle non-RCRA Haz Waste.
- Personnel complete health & safety training per Section 5194 of Title 8 California Code of Regulations.
 - (h) Employee Information and Training. →




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8 CCR 5194 (h)

Training for Personnel at Remote Site (1 of 6)

- Employer provides employees w/ effective information & training on hazardous chemicals in work area.
- At time of initial assignment & whenever new chemical hazard is introduced.
- Information & training may relate to general classes of hazardous chemicals to extent appropriate & related to reasonably foreseeable exposures of job.
- Chemical-specific information always available thru labels & safety data sheets.




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8 CCR 5194 (h)

Training for Personnel at Remote Site (2 of 6)

- Information & training shall consist of at least following topics:
 - Employees informed of requirements of these regulations.
 - Employees informed of any operations in their work area where hazardous chemicals are present.
 - Employees informed of location & availability of written hazard communication program, including list(s) of hazardous chemicals & safety data sheets.



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8 CCR 5194 (h)

Training for Personnel at Remote Site (3 of 6)

- Information & training shall consist of at least following topics:
 - Employees trained in methods & observations that may be used to detect presence or release of hazardous chemical in work area (such as monitoring conducted by employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.).




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8 CCR 5194 (h)

Training for Personnel at Remote Site (4 of 6)

- Information & training shall consist of at least following topics:
 - Employees trained in physical, health, simple asphyxiation, combustible dust & pyrophoric gas hazards, as well as hazards not otherwise classified, of chemicals in work area, & measures they can take to protect themselves from these hazards, including specific procedures employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, & personal protective equipment to be used.




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8 CCR 5194 (h)

Training for Personnel at Remote Site (5 of 6)

- Information & training shall consist of at least following topics:
 - Employees trained in details of hazard communication program developed by employer, including explanation of labels received on shipped containers and workplace labeling system used by employer & safety data sheet, & how employees can obtain & use appropriate hazard information.




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8 CCR 5194 (h)

Training for Personnel at Remote Site (6 of 6)

- Employers inform employees of right:
 - To personally receive information regarding hazardous chemicals to which they may be exposed.
 - For their physician or collective bargaining agent to receive information regarding hazardous chemicals to which employee may be exposed.
 - Against discharge or other discrimination due to employee's exercise of rights afforded pursuant to provisions of Hazardous Substances Information and Training Act.




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HSC 25121.3(b)(4)

Management of Waste at Remote Site Contingency Plan



- Remote site(s) included in consolidation site's contingency plan.
 - Regardless of consolidation site generator category.
- Single generic description of response actions OK for all similar remote sites.




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DTSC email 02.08.21

Contingency Plan is Required for Consolidation Site

- "The requirement for contingency plan applies to any site that wants to be consolidation site for remote site consolidation regardless of generator category. You have the option to either meet the specified requirements in (b)(1-7) or you don't use remote site. You always follow the most stringent statutes/laws and regulations."



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HSC 25121.3(b)(4)

Include in Contingency Plan for Remote Site(s)


- Description of actions generator personnel will take at remote site to minimize hazards.

To...

- Human health or environment.

From...

- Fires, explosions, or any unplanned release of Haz Waste (or constituents).




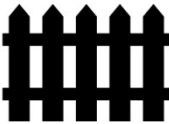
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HSC 25121.3(b)(7)

Management of Waste at Remote Site Security (1 of 2)

- Make reasonable effort to minimize possibility of unknowing or unauthorized entry to area where non-RCRA Haz Waste held.



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HSC 25121.3(b)(7)

Management of Waste at Remote Site Security (2 of 2)

- If remote site w/i 1 mile of residential or commercial area or readily accessible to public:
 - Supervised by employees or agents of generator at all times or otherwise secured to:
 - Prevent unknowing entry.

And...

- Minimize possibility for unauthorized entry.



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HSC 25121.3(b)(5)
HSC 25110.10(b)(6)

Management of Waste at Remote Site Container and Time Limit (1 of 2)

- As soon as generator begins to "actively manage" Haz Waste at remote site:
 - Container meets all USDOT regulations for transport.

And...

- Manage as non-RCRA Haz Waste per DTSC regulations.
 - Label & mark container.
 - Indicate date of initial accumulation.
 - More...




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HSC 25110.10(b)(3)

Management of Waste at Remote Site Container and Time Limit (2 of 2)



- Transport to consolidation site w/i 10 days of 1st "actively manage" non-RCRA Haz Waste at remote site.
 - Longer if extension granted.




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DTSC email 01.26.23

What is "Actively Manage"?



- "actively manage" is the date the generator places the hazardous waste in a container."



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HSC 25110.10(b)(3)

Extension to 10-Day Period

- Extension ≤20 days may be granted if:
 - Generator demonstrates to DTSC >10 days needed to collect & transport Haz Waste.
 - Solely for purpose of facilitating effective & efficient removal, collection, or transport of Haz Waste.

10 + 10 = 20





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HSC 25110.10(a,b)

What is a Consolidation Site?

- Site where non-RCRA Haz Waste from Remote Site transported.
- Operated – not necessarily owned – by generator of Haz Waste.




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HSC 25110.10(d)(1)

Responsibility of Consolidation Site Initial & Annual Notification (1 of 3)

- Generator must submit initial notification of intent to operate under exemption.
- Annual notification required thereafter.
- No "due date" specified for annual notification.
 - Submit w/i one year of initial notification.



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HSC 25110.10(d)(1)

Responsibility of Consolidation Site Initial & Annual Notification (2 of 3)

- Submit notification:
 - In person or certified mail w/ return receipt requested.

To:

- DTSC & CUPA if generator under jurisdiction of CUPA.
- If not under jurisdiction of CUPA, submit to agency authorized per DTSC at HSC 25404.3(f).




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HSC 25110.10(d)(3)

Responsibility of Consolidation Site Initial & Annual Notification (3 of 3)

- Notification to include:
 - General description of remote location.
 - Description of non-RCRA Haz Waste to be collected.
 - Location of consolidation site & its generator ID #.
 - This may be EPA ID # or CA ID #.
 - Significant differences from prior year's operation.





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HSC 25110.10(b)(5,6)

Management of Waste at Consolidation Site (1 of 2)

- Manage as non-RCRA Haz Waste per DTSC regulations.
- Maintain labels applied at remote site.
- Onsite accumulation time limit begins when non-RCRA Haz Waste arrives at consolidation site.
 - Each container must display this date.



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HSC 25110.10(b)(6)

Management of Waste at Consolidation Site (2 of 2)

If...


- Container(s) of non-RCRA Haz Waste placed in larger container.

Or...

- Non-RCRA Haz Waste transferred to another container.

Then...

- All required labels & marks (including date of accumulation) placed on new container.




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HSC 25110.10(b)(7)

Maintain Records of Transport at Consolidation Site

- Maintain at consolidation site by generator for ≥ 3 years from receipt.
- For each transport regardless if shipping paper required.
- Acceptable record of shipment:
 - Copy of shipping paper (aka: shipment paper) if used.
 - DOT HazMat shipping paper.
 - Other document w/ required content.




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HSC 25163.3(d)

What / Who is the Transporter?

- Employees of generator or trained contractors under control of generator.
- Vehicles under control of generator or registered Haz Waste transporters.




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HSC 25163.3(d)

Who's Liable?



- Generator liable for spill by employees or contractor.
 - Regardless of vehicle ownership or control.
- Generator may make agreements to shift liability.

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HSC 25163.3(c)

Conditions for Transport Personnel Training

- All personnel handling non-RCRA Haz Waste.
- During transport from remote site to consolidation site.
- Must receive applicable generator training:
 - "LQG" – annual, documented.
 - "SQG" – basic training required but no records.




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HSC 25163.3(f)

Conditions for Transport Quantity Limits



- Any single shipment:
 - ≤275 gal
 - ≤2,500 lb
- Exceptions for public utility. →


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HSC 25163.3(f)(1)

Exceptions for Public Utility Scope and Applicability



- Generator who is:
 - Public utility
 - Local publicly owned utility
 - Municipal utility district

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HSC 25163.3(f)(1)

Exceptions for Public Utility (1 of 3)

- May transport in single shipment:
 - ≤1,600 gal non-RCRA Haz Waste wastewater from dewatering of utility vault(s).

Or...

- ≤500 gal of another liquid non-RCRA Haz Waste.

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HSC 25163.3(f)(2)

Exceptions for Public Utility (2 of 3)

- May transport in single shipment:
 - ≤5,000 gal mineral oil.
- From transformer, circuit breakers, or capacitors owned by generator.

If...

- Oil is not specified type of non-RCRA Toxic Haz Waste. →

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22 CCR 66261.24(a)(2)(B)

Table III - List of Organic Persistent and Bioaccumulative Toxic Substances and Their Soluble Threshold Limit Concentration (STLC) and Total Threshold Limit Concentration (TTL) Values:

Substance	STLC mg/l	TTL mg/kg
Aldrin	0.14	1.4
Dieldrin	0.25	2.5
DDT, DDE, DDD	0.1	1.0
p,p'-Dichlorophenoxyacetic acid	10	100
Toxaphene	0.8	8.0
lindane (γ,γ'-HCH)	0.001	0.01
Endrin	0.02	0.2
Heptachlor	0.47	4.7
Polychlorinated biphenyls (PCBs)	2.1	21
Lead compounds, organic	—	13
Endosulfan	0.4	4.0
Methoxychlor	10	100
Mirex	2.1	21
Permethrin	1.7	17
Polychlorinated biphenyls (PCBs)	5.3	50
Triphenylene	0.5	5
Toxaphene	264	2,540
p,p'-Dichlorodiphenyl ether	1.0	10


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HSC 25163.3(f)(3)

Exceptions for Public Utility (3 of 3)



- May transport:
 - ≤5,000 gal non-RCRA Haz Waste wastewater from emergency dewatering of utility vault.
- Emergency? →

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HSC 25163.3(f)(3)

What is "Emergency Situation" at Public Utility? (1 of 2)

- Immediate response required to avoid danger to human health, public safety, or environment for one of following:
 - Vehicle accident cause transformer spill in public area.
 - Spill at or near vault. Crews must remove potential non-RCRA Haz Waste to access equipment to prevent outage.

More... →

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HSC 25163.3(f)(3)

What is "Emergency Situation" at Public Utility (2 of 2)

- Immediate response required to avoid danger to human health, public safety, or environment for one of following:
 - Spill at or near vault. Rainwater accumulation threatens overflow into surrounding area.
 - Groundwater intrusion into vault threatens equipment.
 - Heavy rain threatens equipment in vault.
- Generator shall only collect non-RCRA Haz Waste from one vault & shall not consolidate from multiple sites.

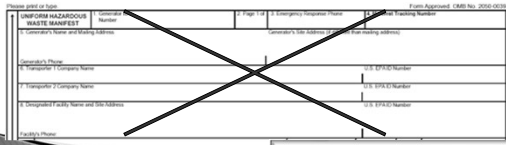
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HSC 26163.3

Exempt From Manifest and Transporter Registration

- Uniform hazardous waste manifest not required.
- Registered Haz Waste transporter not required.



Shipping paper still required, maybe


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HSC 25163.3(h)

Shipping Paper Required?



- N/A for shipment of ≤ 10 lbs non-RCRA Haz Waste.
- Unless...
- Any quantity:
 - Extremely Haz Waste
 - Acutely Haz Waste
- Otherwise, shipping paper required.

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HSC 25110.10(b)(7)

Record of Shipment Required

- Record of shipment required regardless if shipping paper not required:

"(7) The generator maintains at the consolidation site the information specified in paragraphs (1) to (10), inclusive, of subdivision (g) of Section 25163.3 for each shipment of hazardous waste initially collected at a remote site that is received at the consolidation site."

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HSC 25163.3(g)

Shipping Paper Content (1 of 3)

- ID each non-RCRA Haz Waste transported.
- Type & number of containers.
- Quantity (weight or volume).
- Physical state: solid, powder, liquid, semiliquid, gas...
- Location of remote site.
- Location of any interim site if held en route.

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HSC 25163.3(g)

Shipping Paper Content (2 of 3)

- Name, address, & telephone # of generator.
- Address & telephone # of consolidation site, if different.
- Name & telephone # for emergency response contact.
- Name(s) of individual(s) transporting.


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HSC 25163.3(g)

Shipping Paper Contents (3 of 3)

- Date(s):
 - Began active management of non-RCRA Haz Waste at remote site.
 - Non-RCRA Haz Waste left remote site in transport.
 - Non-RCRA Haz Waste arrive at consolidation site.



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HSC 25121.3(b)
HSC 25110.10(b)(4)
HSC 25163.3(e)


Stops During Transport OK?

- Non-RCRA Haz Waste can't be handled or held at any interim site en route from remote site to consolidation site..

Except...

- Another remote site operated – not necessarily owned – by generator for ≤8 hours.
 - Unless more time required by law.

However... →




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HSC 25110.10(b)(3)

You've Only Got Ten Days!



- Must be transported to consolidation site w/i 10 days of first "actively manage" at remote site.

Unless extension to 20 days granted




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HSC 25110.10(b)(7)

Maintain Records of Transport at Consolidation Site

- Retain at consolidation site by generator for ≥3 years from receipt.
- For each transport regardless if shipping paper required.
- Acceptable record of shipment:
 - Copy of shipping paper (aka: shipment paper) if used.
 - DOT HazMat shipping paper.
 - Other document w/ required content.





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HSC 25163.3(f)

Comply with USDOT Regulations

- If HazMat per USDOT regulations:
 - Shipping paper.
 - Authorized packaging.
 - Package marks & labels.
 - Emergency information.
 - DOT HazMat Employee training.
 - More...



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HSC 25110.10(e)

Can't say They Didn't Warn ya


- DTSC may revoke generator's use of exemption.

If...

- Generator demonstrates "pattern of failure" to comply w/ exemption.

And...

- DTSC or authorized agency has notified generator of violations prior to revoking use of exemption.




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Other Options for Transport of Non-RCRA Hazardous Waste From Remote Sites

The Remote Site Exemption isn't the only way! If it doesn't work for you, consider these options.




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22 CCR 66273

Universal Waste

- Not Haz Waste.
- Transport to destination facility or universal waste handler relatively easy.
- Comply w/ USDOT regulations.
 - Electronic devices
 - Batteries (non-auto)
 - Electric lamps
 - Mercury-containing equipment
 - CRTs & CRT glass
 - Non-empty aerosols
 - PV Modules (as of 01.01.21)



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22 CCR 66266.81

Lead-Acid Storage Battery

- Equivalent in size & type (or smaller) to common vehicle battery.
- Exempt from regulation as Haz Waste for generation, storage & transport, if:
 - Managed for recycling (intent to recycle is enough).

And...

- Generate in 1-year, store at one time, or transport at 1 time in 1 vehicle ≤10 spent lead-acid batteries.




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HSC 25344.6

Reusable Soiled Textile Materials

- Textile items. Includes but not limited to:
 - Shop towels.
 - Uniforms & gloves.
 - Linens & towels.
- Soiled w/ non-RCRA Haz Waste during commercial or industrial use.
- Made reusable by laundering or comparable cleaning method.
- Exempt from use of manifest for off-site transport & Haz Waste transporter.




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HSC 25250.12

Mobile Maintenance for Used Oil

- Transport of used oil generated during maintenance operations transferred to maintenance person's place of business – not residence - for consolidation is not subject to Haz Waste transport regulations, if:
 - Used oil recycled at authorized offsite Haz Waste facility.
 - Generator transports used oil in vehicle owned by generator or employee of generator.
 - ≤55 gal transferred in vehicle at any one time.
 - Used oil is deemed to be generated at point of consolidation.



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Any Questions?

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