

AMENDED IN SENATE APRIL 16, 2001

SENATE BILL

No. 271

Introduced by Senator O'Connell

February 16, 2001

~~An act to amend Section 25160 of the Health and Safety Code, An act to amend Sections 25160 and 25165 of, to add Sections 25117.5.1, 25117.5.2, and 25160.2 to, and to repeal Section 25250.8 of, the Health and Safety Code, and to amend Section 4 of Chapter 684 of the Statutes of 1992, relating to hazardous waste.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 271, as amended, O'Connell. Hazardous waste transportation: manifests.

(1) Existing law requires any person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, to complete a manifest prior to the time the waste is transported or offered for transportation and to submit the manifest to the Department of Toxic Substances Control. Existing law requires any person who transports hazardous waste in a vehicle to have a manifest in his or her possession and requires the manifest to be shown upon demand to any representative of the department, any officer of the California Highway Patrol, any local health officer, or any local public officer designated by the director. A violation of the laws regulating hazardous waste is a crime.

This bill would additionally require the manifest to be shown, upon demand, to any certified unified program agency. Since a violation of this requirement would be a crime under existing law, the bill would impose a state-mandated local program.

(2) Existing law provides a modified manifesting procedure, which may be used only for non-RCRA waste or for RCRA waste that is not required to be manifested pursuant to federal law, and may be used only with the consent of the generator.

This bill would repeal the current modified manifesting procedure and would establish a procedure for a consolidated manifest, as defined, to be used only for non-RCRA hazardous waste or for RCRA hazardous waste that is not required to be manifested pursuant to federal law, and to be used only with the consent of the generator.

(3) Existing law requires any application for a hazardous waste transporter's application for an original or renewal registration received on or after January 1, 2000, from a transporter that transports or intends to transport used oil, antifreeze, oil/water separation sludge or parts cleaning solvent pursuant to the modified manifesting procedure to include a statement by the transporter notifying the department of that transportation.

This bill would require an application for an original or renewal registration received on or after January 1, 2002, from a transporter that transports or intends to transport any waste stream pursuant to the consolidated manifesting procedure established by this bill to include the notification statement by the transporter and to list the specific category or categories of waste streams to be transported using the consolidated manifesting procedure.

(4) Existing law requires the department to adopt regulations that eliminate the requirement that generators who generate 100 kilograms or less of hazardous waste per month and are engaged solely in used-oil or solvents milk run activities obtain a California EPA number.

This bill would repeal that requirement.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

1 SECTION 1. *Section 25117.5.1 is added to the Health and*
2 *Safety Code, to read:*

3 25117.5.1. *For purposes of this chapter, “consolidated*
4 *transporter” means a hazardous waste transporter registered*
5 *pursuant to Section 25165 and the regulations adopted by the*
6 *department, who has notified the department pursuant to Section*
7 *25165 of its intent to use the consolidated manifesting procedure*
8 *set forth in Section 25160.2.*

9 SEC. 2. *Section 25117.5.2 is added to the Health and Safety*
10 *Code, to read:*

11 25117.5.2. *For purposes of this chapter, “consolidated*
12 *manifest” means a hazardous waste manifest used by a milk run*
13 *transporter to combine hazardous waste shipments from multiple*
14 *generators on one consolidated manifest pursuant to the*
15 *procedures in Section 25160.2.*

16 SEC. 3. *Section 25160 of the Health and Safety Code is*
17 *amended to read:*

18 25160. (a) *For purposes of this chapter, “manifest” means a*
19 *shipping document originated and signed by a generator of*
20 *hazardous waste that contains all of the information required by*
21 *the department and that complies with all applicable federal and*
22 *state regulations.*

23 (b) (1) ~~Any~~ *Except as provided in Section 25160.2 or as*
24 *otherwise allowed by permit or variance issued by the department,*
25 *any person generating hazardous waste that is transported, or*
26 *submitted for transportation, for offsite handling, treatment,*
27 *storage, disposal, or any combination thereof, shall complete a*
28 *manifest prior to the time the waste is transported or offered for*
29 *transportation, and shall designate on that manifest the facility to*
30 *which the waste is to be shipped for the handling, treatment,*
31 *storage, disposal, or combination thereof. The manifest shall be*
32 *completed, as required by the department. The generator shall*
33 *provide the manifest to the person who will transport the*
34 *hazardous waste, who is the driver, if the hazardous waste will be*
35 *transported by vehicle, or the person designated by the railroad*
36 *corporation or vessel operator, if the hazardous waste will be*
37 *transported by rail or vessel. The generator shall use the standard*
38 *California Uniform Hazardous Waste Manifest supplied by the*



1 department for all shipments of hazardous waste for which a
2 manifest is required, except as provided in paragraph (2). A
3 manifest shall only be used for the purposes specified in this
4 chapter, including, but not limited to, identifying materials that the
5 person completing the manifest reasonably believes are hazardous
6 waste. Within 30 days from the date of transport, or submission for
7 transport, of hazardous waste, each generator of that hazardous
8 waste shall submit to the department a legible copy of each
9 manifest used. The copy submitted to the department shall contain
10 the signatures of the generator and the transporter. In lieu of
11 submitting a copy of each manifest used, a generator may submit
12 an electronic report to the department meeting the requirements of
13 Section 25160.3.

14 (2) ~~Any~~ *Except as provided in Section 25160.2 or as otherwise*
15 *allowed by permit or variance issued by the department, any*
16 *person generating hazardous waste that is transported, or*
17 *submitted for transportation, for offsite handling, treatment,*
18 *storage, disposal, or any combination thereof, outside of the state,*
19 *shall complete, whether or not the waste is determined to be*
20 *hazardous by the importing country or state, a standard California*
21 *Uniform Hazardous Waste Manifest, or the generator shall*
22 *complete, in its own form of manifest, the manifest required by the*
23 *receiving state and shall submit a copy of that manifest to the*
24 *department within 30 days from the date of the transport, or*
25 *submission for transport, of the hazardous waste. In lieu of*
26 *submitting a copy of each manifest used, a generator may submit*
27 *an electronic report to the department meeting the requirements of*
28 *Section 25160.3.*

29 (3) Within 30 days from the date of transport, or submission for
30 transport, of hazardous waste out of state, each generator of that
31 hazardous waste shall submit to the department a legible copy of
32 each manifest used. The copy submitted to the department shall
33 contain the signatures of the generator, all transporters, excepting
34 intermediate rail transporters, and the out-of-state facility
35 operator. If within 35 days from the date of the initial shipment, or
36 for exports by water to foreign countries; 60 days after the initial
37 shipment, the generator has not received a copy of the manifest
38 signed by all transporters and the facility operator, the generator
39 shall contact the owner or operator of the designated facility to
40 determine the status of the hazardous waste and to request that the



1 owner or operator immediately provide a signed copy of the
2 manifest to the generator. Except as provided otherwise in
3 paragraph (2) of subdivision (h) of Section 25123.3, if within 45
4 days from the date of the initial shipment or, for exports by water
5 to foreign countries, 90 days from the date of the initial shipment,
6 the generator has not received a copy of the signed manifest from
7 the facility owner or operator, the generator shall submit an
8 exception report to the department.

9 (4) For shipments of waste that do not require a manifest
10 pursuant to Title 40 of the Code of Federal Regulations, the
11 department, by regulation, may establish manifest requirements
12 that differ from the requirements of this ~~subdivision~~ *section*. The
13 requirements for an alternative form of manifest shall ensure that
14 the hazardous waste is transported by a registered hazardous waste
15 transporter, that the hazardous waste is tracked, and that human
16 health and safety and the environment are protected.

17 (5) (A) Notwithstanding any other provision of this
18 ~~subdivision~~ *section*, except as provided in subparagraph (B), the
19 generator copy of the manifest is not required to be submitted to
20 the department for any waste transported in compliance with the
21 ~~modified manifest procedures that are not in conflict with this~~
22 ~~paragraph and that are set forth in Section 66263.42 of Title 22 of~~
23 ~~the California Code of Regulations, or as that regulation may be~~
24 ~~further amended, or in Section 25250.8, if the generator,~~
25 ~~transporter, and facility are all identified by the same United States~~
26 ~~Environmental Protection Agency identification number on the~~
27 ~~consolidated manifest procedures in Section 25160.2 or when the~~
28 ~~transporter is operating pursuant to a variance issued by the~~
29 ~~department pursuant to Section 25143 authorizing the use of a~~
30 ~~consolidated manifest for waste not listed in Section 25160.2, if the~~
31 ~~generator, transporter, and facility are all identified as the same~~
32 ~~company on the hazardous waste manifest. If multiple~~
33 ~~identification numbers are used by a single company, all of the~~
34 ~~company's identification numbers shall be included in its annual~~
35 ~~transporter registration application, if those numbers will be used~~
36 ~~with the consolidated manifest procedure. Nothing in this~~
37 paragraph affects the obligation of a facility operator to submit to
38 the department a copy of a manifest pursuant to this section.

39 (B) If the waste subject to subparagraph (A) is transported out
40 of state, the generator shall either ensure that the facility operator



1 submits to the department a copy of the manifest or the generator
2 shall submit a copy to the department that contains the signatures
3 of the generator, all transporters, excepting intermediate rail
4 transporters, and the out-of-state facility operator pursuant to
5 paragraph (3).

6 (c) (1) The department shall determine the form and manner
7 in which a manifest shall be completed and the information that the
8 manifest shall contain. The information requested on the manifest
9 shall serve as the data dictionary for purposes of the developing of
10 an electronic reporting format pursuant to Section 71062 of the
11 Public Resources Code. The form of each manifest and the
12 information requested on each manifest shall be the same for all
13 hazardous wastes, regardless of whether the hazardous wastes are
14 also regulated pursuant to the federal act or by regulations adopted
15 by the United States Department of Transportation. However, the
16 form of the manifest and the information required shall be
17 consistent with federal regulations.

18 (2) Pursuant to federal regulations, the department may require
19 information on the manifest in addition to the information required
20 by federal regulations.

21 (d) (1) Any person who transports hazardous waste in a
22 vehicle shall have a manifest in his or her possession while
23 transporting the hazardous waste. The manifest shall be shown
24 upon demand to any representative of the department, any officer
25 of the California Highway Patrol, any local health officer, any
26 certified unified program agency, or any local public officer
27 designated by the director. If the hazardous waste is transported by
28 rail or vessel, the railroad corporation or vessel operator shall
29 comply with Subchapter C (commencing with Section 171.1) of
30 Chapter 1 of Subtitle B of Title 49 of the Code of Federal
31 Regulations and shall also enter on the shipping papers any
32 information concerning the hazardous waste that the department
33 may require.

34 (2) Any person who transports any waste, as defined by Section
35 25124, and who is provided with a manifest for that waste shall,
36 while transporting that waste, comply with all requirements of this
37 chapter, and the regulations adopted pursuant thereto, concerning
38 the transportation of hazardous waste.

39 (3) Any person who transports hazardous waste shall transfer
40 a copy of the manifest to the facility operator at the time of



1 delivery, or to the person who will subsequently transport the
2 hazardous waste in a vehicle. Any person who transports
3 hazardous waste and then transfers custody of that hazardous
4 waste to a person who will subsequently transport that waste by rail
5 or vessel shall transfer a copy of the manifest to the person
6 designated by the railroad corporation or vessel operator, as
7 specified by Subchapter C (commencing with Section 171.1) of
8 Chapter 1 of Subtitle B of Title 49 of the Code of Federal
9 Regulations.

10 (4) Any person transporting hazardous waste by motor vehicle,
11 rail, or water shall certify to the department, at the time of initial
12 registration and at the time of renewal of that registration pursuant
13 to this article, that the transporter is familiar with the requirements
14 of this section, the department regulations, and federal laws and
15 regulations governing the use of manifests.

16 (e) (1) Any facility operator in the state who receives
17 hazardous waste for handling, treatment, storage, disposal, or any
18 combination thereof, which was transported with a manifest
19 pursuant to this section, shall submit a copy of the manifest to the
20 department within 30 days from the date of receipt of the
21 hazardous waste. The copy submitted to the department shall
22 contain the signatures of the generator, all transporters, excepting
23 intermediate rail transporters, and the facility operator. In
24 instances in which the generator or transporter is not required by
25 the generator's state or federal law to sign the manifest, the facility
26 operator shall require the generator and all transporters, excepting
27 intermediate rail transporters, to sign the manifest before receiving
28 the waste at any facility in this state. In lieu of submitting a copy
29 of each manifest used, a facility operator may submit an electronic
30 report to the department meeting the requirements of Section
31 25160.3.

32 (2) Any treatment, storage, or disposal facility receiving
33 hazardous waste generated outside this state may only accept the
34 hazardous waste for treatment, storage, disposal, or any
35 combination thereof, if the hazardous waste is accompanied by a
36 completed standard California Uniform Hazardous Waste
37 Manifest.

38 (3) A facility operator may accept hazardous waste generated
39 offsite that is not accompanied by a properly completed and signed



1 standard California Uniform Hazardous Waste Manifest if the
2 facility operator meets both of the following conditions:

3 (A) The facility operator is authorized to accept the hazardous
4 waste pursuant to a hazardous waste facilities permit or other grant
5 of authorization from the department.

6 (B) The facility operator is in compliance with the regulations
7 adopted by the department specifying the conditions and
8 procedures applicable to the receipt of hazardous waste under
9 these circumstances.

10 (4) This subdivision applies only to shipments of hazardous
11 waste for which a manifest is required pursuant to this section and
12 the regulations adopted pursuant to this section.

13 (f) A generator, transporter, or facility operator may comply
14 with the requirements of Sections 66262.40, 66263.22, 66264.71,
15 and 66265.71 of Title 22 of the California Code of Regulations by
16 storing manifest information electronically. A generator,
17 transporter, or facility operator who stores manifest information
18 electronically shall use the standardized electronic format and
19 protocol for the exchange of electronic data established by the
20 Secretary for Environmental Protection pursuant to Part 2
21 (commencing with Section 71050) of Division 34 of the Public
22 Resources Code and the stored information shall include all the
23 information required to be retained by the department, including
24 all signatures required by this section.

25 ~~(g) The department shall make available for review, by any~~
26 ~~interested party, information regarding the department's progress~~
27 ~~in adopting revised regulations relating to hazardous waste~~
28 ~~manifests, including specific requirements for milk run operations~~
29 ~~set forth in Section 66263.42 of Title 22 of the California Code of~~
30 ~~Regulations.~~

31 ~~(h)–~~

32 (g) The department shall make available for review, by any
33 interested party, the department's plans for revising and enhancing
34 its system for tracking hazardous waste for the purposes of
35 protecting human health and the environment, enforcing laws,
36 collecting revenue, and generating necessary reports.

37 ~~SEC. 2.—~~

38 *SEC. 4. Section 25160.2 is added to the Health and Safety*
39 *Code, to read:*



1 25160.2. (a) *In lieu of the procedures prescribed by Sections*
2 *25160 and 25161, transporters and generators of hazardous waste*
3 *meeting the conditions in this section may use the consolidated*
4 *manifesting procedure set forth in subdivision (b) to consolidate*
5 *shipments of waste streams identified in subdivision (c) collected*
6 *from multiple generators onto a single consolidated manifest.*

7 (b) *The following consolidated manifesting procedure may be*
8 *used only for non-RCRA hazardous waste or for RCRA hazardous*
9 *waste that is not required to be manifested pursuant to the federal*
10 *act or the federal regulations adopted pursuant to the federal act*
11 *and transported by a registered hazardous waste transporter, and*
12 *used only with the consent of the generator:*

13 (1) *A separate manifest shall be completed by each vehicle*
14 *driver, with respect to each transport vehicle operated by that*
15 *driver for each date.*

16 (2) *The transporter shall complete both the generator's and the*
17 *transporter's section of the manifest using the transporter's name,*
18 *identification number, terminal address, and telephone number.*
19 *The generator's and transporter's sections shall be completed*
20 *prior to commencing each day's collections. The driver shall sign*
21 *and date the generator's and transporter's sections of the manifest.*

22 (3) *The transporter shall attach to the front of the manifest*
23 *legible receipts for each quantity of hazardous waste that is*
24 *received from a generator. The receipts shall be used to determine*
25 *the total volume of hazardous waste in the vehicle. After the*
26 *hazardous waste is delivered, the receipts shall be affixed to the*
27 *transporter's copy of the manifest. The transporter shall leave a*
28 *copy of the receipt with the generator of the hazardous waste. The*
29 *generator shall retain each receipt for at least three years. This*
30 *period of retention is extended automatically during the course of*
31 *any unresolved enforcement action regarding the regulated*
32 *activity or as requested by the department or a certified unified*
33 *program agency.*

34 (4) *All copies of each receipt shall contain all of the following*
35 *information:*

36 (A) *The name, address, identification number, contact person,*
37 *and telephone number of the generator, and the signature of the*
38 *generator or the generator's representative.*

39 (B) *The date of the shipment.*

40 (C) *The manifest number.*



1 (D) The volume or quantity of each waste stream received, its
2 California and RCRA waste codes, the waste stream type listed in
3 subdivision (c), and its proper shipping description, including the
4 hazardous class and United Nations/North America (UN/NA)
5 identification number, if applicable.

6 (E) The name, address, and identification number of the
7 authorized facility to which the hazardous waste will be
8 transported.

9 (F) The transporter's name, address, and identification
10 number.

11 (G) The driver's signature.

12 (H) A statement, signed by the generator, certifying that the
13 generator has established a program to reduce the volume or
14 quantity and toxicity of the hazardous waste to the degree, as
15 determined by the generator, to be economically practicable.

16 (5) The transporter shall enter the total volume or quantity of
17 each waste stream transported on the manifest at the change of
18 each date, change of driver, or change of transport vehicle. The
19 total volume or quantity shall be the cumulative amount of each
20 waste stream collected from the generators listed on the individual
21 receipts. In lieu of submitting a copy of each manifest used, a
22 facility operator may submit an electronic report to the department
23 meeting the requirements of Section 25160.3.

24 (6) The transporter shall submit the generator copy of the
25 manifest to the department within 30 days of each shipment.

26 (7) The transporter shall retain a copy of the manifest and all
27 receipts for each manifest at a location within the state for three
28 years. This period of retention is extended automatically during
29 the course of any unresolved enforcement action regarding the
30 regulated activity or as requested by the department or a certified
31 unified program agency.

32 (8) The transporter shall submit all copies of the manifest to the
33 designated facility. A representative of the designated facility that
34 receives the hazardous waste shall sign and date the manifest,
35 return two copies to the transporter, retain one copy, and send the
36 original to the department within 30 days.

37 (9) All other manifesting requirements of Sections 25160 and
38 25161 shall be complied with unless specifically exempted under
39 this section. If an out of state receiving facility is not required to
40 submit the signed manifest copy to the department, the



1 consolidated transporter, acting as generator, shall submit a copy
2 of the manifest signed by the receiving facility to the department
3 pursuant to paragraph (3) of subdivision (b) of Section 25160.

4 (10) Each generator using the consolidated manifesting
5 procedure must have an identification number, unless exempted
6 from manifesting requirements by action of Section 25143.13 for
7 generators of photographic waste less than 100 kilograms per
8 calendar month.

9 (c) The consolidated manifesting procedure set forth in
10 subdivision (b) may be used only for the following waste streams
11 and in accordance with the conditions specified below for each
12 waste stream:

13 (1) Used oil and oil/water separation sludge, if the oil/water
14 separation sludge is generated from a catch basin, clarifier, or
15 similar collection device that is used to collect water containing
16 residual amounts of one or more of the following: used oil,
17 antifreeze, or other substances and contaminants associated with
18 activities that generate used oil and antifreeze. To qualify as
19 sludge, it must also meet the definition in Section 66260.10 of Title
20 22 of the California Code of Regulations.

21 (2) The wastes listed in subparagraph (A) may be manifested
22 under the procedures specified in this section only if all of the
23 requirements specified in subparagraphs (B) and (C) are satisfied.

24 (A) Wastes eligible for consolidated manifesting:

25 (i) Other oil-containing waste.

26 (ii) Brake fluid.

27 (iii) Antifreeze.

28 (iv) Antifreeze sludge.

29 (v) Parts cleaning solvents, including aqueous cleaning
30 solvents.

31 (vi) Sludge containing sodium hydroxide and heavy metals.

32 (vii) Flammable paint-related wastes, including paints,
33 thinners, filters, and sludges.

34 (viii) Spent photographic solutions.

35 (ix) Dry cleaning solvents (including perchloroethylene,
36 naphtha, and silicone based solvents).

37 (x) Filters, lint, and sludges contaminated with dry cleaning
38 solvent.

39 (xi) Asbestos and asbestos-containing materials.

40 (xii) Inks from the printing industry.



1 (xiii) Chemicals and laboratory packs collected from K-12
2 schools.

3 (xiv) Absorbents contaminated with other wastes listed in this
4 section.

5 (B) The generator does not generate more than 1,000
6 kilograms per calendar month of hazardous waste and meets the
7 conditions of subdivision (h) of Section 25123.3.

8 (C) (i) The generator enters into an agreement with the
9 transporter in which the transporter agrees that the transporter
10 will submit a confirmation to the generator that the hazardous
11 waste was transported to an authorized hazardous waste treatment
12 facility for appropriate treatment. The agreement may provide that
13 the hazardous waste will first be transported to a storage or
14 transfer facility in accordance with the applicable provisions of
15 law.

16 (ii) The treatment requirement specified in clause (i) does not
17 apply to asbestos, asbestos-containing materials, and chemicals
18 and laboratory packs collected from K-12 schools, or any other
19 waste stream for which the department determines there is no
20 reasonably available treatment methodology or facility. These
21 wastes shall be transported to an authorized facility.

22 (d) Transporters using the consolidated manifesting procedure
23 set forth in this section shall submit quarterly reports to the
24 department 30 days after the end of each quarter. The first report
25 shall be submitted on October 31, 2002, covering the July to
26 September 2002 period, and every three months thereafter. Except
27 as otherwise specified in paragraph (1), the report shall be
28 submitted in an electronic format provided by the department. To
29 the extent allowed by federal law, the information made available
30 to the department in such quarterly reports shall be deemed to be
31 trade secrets and confidential business information for purposes
32 of 25173 and Section 66260.2 of Title 22 of the California Code
33 of Regulations.

34 (1) Transporters that use the consolidated manifesting
35 procedure for less than 1,000 tons per calendar year may submit
36 the report in a paper format through October 31, 2003. After that
37 date, they may apply to the department to continue submitting
38 paper format reports.

39 (2) For each transporter's name, terminal address, and
40 identification number, the quarterly report shall include the



1 following information for each generator for each consolidated
2 manifest:

3 (A) The name, address, and identification number, the contact
4 persons's name, and the telephone number of each generator.

5 (B) The date of the shipment.

6 (C) The manifest number.

7 (D) The volume or quantity of each waste stream received, its
8 California and RCRA waste code, and the waste stream category
9 listed in subdivision (c).

10 (e) Upon the effective date of the act adding this statute, the
11 regulations in Section 66263.42 of Title 22 of the California Code
12 of Regulations dealing with milkrun transporters are repealed by
13 operation of law. The department shall delete this regulation
14 pursuant to Section 100 of Title 1 of the California Code of
15 Regulations.

16 SEC. 5. Section 25165 of the Health and Safety Code is
17 amended to read:

18 25165. (a) A hazardous waste transporter's application for
19 original and renewal registration shall be on a form provided by
20 the department. Any application for an original or renewal
21 registration received on or after January 1, ~~2000-2002~~, from a
22 transporter that transports, or intends to transport, ~~used oil,~~
23 ~~antifreeze, oil/water separation sludge or parts cleaning solvent~~
24 ~~any waste stream~~ pursuant to the ~~modified~~ consolidated
25 manifesting procedure specified in subdivision ~~(b)~~ (c) of Section
26 ~~25250.8-25160.2~~, shall include a statement by the transporter
27 notifying the department of that transportation *and shall list the*
28 *specific category or categories of waste streams to be transported*
29 *using the consolidated manifesting procedure.*

30 (b) Any application for registration under this section shall be
31 filed with the department.

32 SEC. 6. Section 25250.8 of the Health and Safety Code is
33 repealed.

34 ~~25250.8. Used oil, antifreeze, oil/water separation sludge,~~
35 ~~and parts cleaning solvent, including, but not limited to, an~~
36 ~~aqueous solution, shall be manifested under either one of the~~
37 ~~following procedures:~~

38 ~~(a) The procedures prescribed by Sections 25160 and 25161.~~

39 ~~(b) The following modified manifesting procedure, which may~~
40 ~~be used only for non-RCRA waste or for RCRA waste that is not~~



1 required to be manifested pursuant to the federal act or the federal
2 regulations adopted pursuant to the federal act and transported by
3 a registered hazardous waste transporter, and used only with the
4 consent of the generator:

5 (1) A separate manifest shall be completed by each vehicle
6 driver, with respect to each transport vehicle operated by that
7 driver for each date.

8 (2) The transporter shall complete both the generator's and the
9 transporter's section of the manifest using the transporter's name,
10 Environmental Protection Agency identification number, terminal
11 address, and phone number. The transporter's section shall be
12 completed prior to commencing each day's used oil, antifreeze,
13 oil/water separation sludge, and parts cleaning solvent collections.
14 The driver shall sign and date the generator's and transporter's
15 sections of the manifest.

16 (3) The transporter shall attach to the front of the manifest
17 legible receipts for each quantity of used oil, antifreeze, oil/water
18 separation sludge, or parts cleaning solvent that is received from
19 a generator. The receipts shall be used to determine the total
20 volume of used oil, antifreeze, oil/water separation sludge, or parts
21 cleaning solvent in the vehicle. After the used oil, antifreeze,
22 oil/water separation sludge, or parts cleaning solvent is delivered,
23 the receipts shall be affixed to the transporter's copy of the
24 manifest. The transporter shall leave a copy of the receipt with the
25 generator of the used oil, antifreeze, oil/water separation sludge,
26 or parts cleaning solvent. The generator shall retain each receipt
27 for at least three years.

28 (4) All copies of each receipt shall contain all of the following
29 information:

30 (A) The name, address, Environmental Protection Agency
31 identification number, and telephone number of the generator, and
32 the signature of the generator or the generator's representative.

33 (B) The date of the shipment.

34 (C) The state manifest number.

35 (D) The volume of each waste stream received and its proper
36 shipping description, including the hazardous class and
37 identification number, if applicable.

38 (E) The name and the address of the permitted facility to which
39 the used oil, antifreeze, oil/water separation sludge, or parts
40 cleaning solvent will be transported.



1 ~~(F) The transporter's name, address, and Environmental~~
2 ~~Protection Agency identification number.~~

3 ~~(G) The driver's signature.~~

4 ~~(H) The receipts for antifreeze, oil/water separation sludge, or~~
5 ~~parts cleaning solvent shall include a statement, signed by the~~
6 ~~generator, certifying that the generator has established a program~~
7 ~~to reduce the volume or quantity and toxicity of the hazardous~~
8 ~~waste to the degree, determined by the generator, to be~~
9 ~~economically practicable.~~

10 ~~(5) The transporter shall enter the total volume of each waste~~
11 ~~stream transported on the manifest at the change of each date,~~
12 ~~change of driver, change of transport vehicle, and upon the last~~
13 ~~delivery of used oil, antifreeze, oil/water separation sludge, or~~
14 ~~parts cleaning solvent to the receiving facility. The total volume~~
15 ~~shall be the cumulative amount of each waste stream collected~~
16 ~~from the generators listed on the individual receipts.~~

17 ~~(6) The transporter shall submit the generator copy of the~~
18 ~~manifest to the department within 30 days of each shipment.~~

19 ~~(7) The transporter shall retain a copy of the manifest and all~~
20 ~~receipts for each manifest at a location within the state for three~~
21 ~~years.~~

22 ~~(8) The transporter shall submit all copies of the manifest to the~~
23 ~~designated facility. A representative of the designated facility that~~
24 ~~receives the used oil, antifreeze, oil/water separation sludge, or~~
25 ~~parts cleaning solvent shall sign and date the manifest, return two~~
26 ~~copies to the hauler, retain one copy, and send the original to the~~
27 ~~department within 30 days.~~

28 ~~(9) All other manifesting requirements of Sections 25160 and~~
29 ~~25161 shall be complied with unless specifically exempted under~~
30 ~~this subdivision.~~

31 ~~(10) Antifreeze, oil/water separation sludge, and parts cleaning~~
32 ~~solvents may be manifested under the procedures specified in this~~
33 ~~subdivision only if all of the following requirements are satisfied:~~

34 ~~(A) The waste is either a non-RCRA hazardous waste, or it is~~
35 ~~a RCRA hazardous waste that is not required to be manifested~~
36 ~~pursuant to the federal act or the federal regulations adopted~~
37 ~~pursuant to the federal act.~~

38 ~~(B) The generator enters into an agreement with the transporter~~
39 ~~in which the transporter agrees that the transporter will submit a~~
40 ~~confirmation to the generator that the hazardous waste was~~



1 transported to an authorized hazardous waste treatment facility for
2 appropriate treatment. The agreement may provide that the
3 hazardous waste will first be transported to a storage or transfer
4 facility in accordance with the applicable provisions of law.

5 (C) The generator meets one of the following conditions:

6 (i) The antifreeze, oil/water separation sludge, or parts
7 cleaning solvent is accepted from a generator who has generated
8 used oil that was transported pursuant to the modified manifesting
9 procedure specified in this subdivision in the same 90-day period
10 in which the transporter accepts the antifreeze, oil/water
11 separation sludge, or parts cleaning solvent. Parts cleaning solvent
12 accepted pursuant to this clause shall not be generated from any
13 activity that is physically and operationally separate and distinct
14 from the activity that generated the used oil that was transported
15 pursuant to the modified manifesting procedure specified in this
16 subdivision.

17 (ii) If the waste is parts cleaning solvent and the generator has
18 not generated used oil that was transported in the same 90-day
19 period in which the transporter accepts the antifreeze, oil/water
20 separation sludge, or parts cleaning solvent, the parts cleaning
21 solvent is accepted from a generator who does not generate more
22 than 1,000 kilograms per month of non-RCRA hazardous waste.
23 For purposes of this clause, any non-RCRA hazardous waste that
24 is generated from an activity that is physically and operationally
25 separate and distinct from an activity that generates the parts
26 cleaning solvent shall not be considered in calculating the amount
27 of non-RCRA hazardous waste generated by the generator, if none
28 of the waste generated from a physically and operationally
29 separate and distinct activity is accepted pursuant to the modified
30 manifesting procedure specified in this subdivision.

31 (D) If the waste is oil/water separation sludge, the transporter
32 shall comply with both of the following requirements:

33 (i) The transporter shall not accept more than 500 gallons of
34 oil/water separation sludge from any generator in any 30-day
35 period.

36 (ii) The oil/water separation sludge is generated from a catch
37 basin, clarifier, or similar collection device that is used to collect
38 water containing residual used oil and antifreeze and incidental
39 amounts of other substances and contaminants associated with
40 activities that generate used oil and antifreeze.



1 ~~(c) The department may adopt, by regulation, a requirement~~
2 ~~that transporters using the modified manifesting procedures~~
3 ~~specified in subdivision (b), or pursuant to Section 66263.42 of~~
4 ~~Title 22 of the California Code of Regulations, submit a report to~~
5 ~~the department not more than once every 3 months, summarizing~~
6 ~~the information required to be contained in the receipts required~~
7 ~~pursuant to paragraph (4) of subdivision (b).~~

8 *SEC. 7. Section 4 of Chapter 684 of the Statutes of 1992 is*
9 *amended to read:*

10 *Sec. 4. On or before January 1, 1994, the The Department of*
11 *Toxic Substances Control shall, notwithstanding Chapter 6.5*
12 *(commencing with Section 25100) of Division 20 of the Health*
13 *and Safety Code, revise Division 4.5 (commencing with Section*
14 *60001) of Title 22 of the California Code of Regulations to do all*
15 *both of the following:*

16 (a) Change the collection of the annual facility report, as
17 required by Section 66264.75 of Title 22 of the California Code of
18 Regulations, so that the report is not required for those
19 even-numbered years when the federal biennial report is required
20 to be submitted for activities conducted during the previous
21 calendar year pursuant to Section 264.75 of Title 40 of the Code
22 of Federal Regulations, but the report may be required to be
23 submitted less frequently at the discretion of the Department of
24 Toxic Substances Control. If the department determines to require
25 the facility report to be submitted in odd-numbered years, the
26 federal biennial report form, or a portion thereof, shall be used as
27 the annual facility report form which is required to be submitted
28 in even-numbered years.

29 (b) Revise the California Hazardous Waste Code Numbers, as
30 specified in Appendix XII of Section 66261.126 of Title 22 of the
31 California Code of Regulations, to include only non-RCRA
32 hazardous waste, as defined in Section 25117.9 of the Health and
33 Safety Code.

34 ~~(c) Eliminate the requirement that generators who generate 100~~
35 ~~kilograms or less of hazardous waste per month and are engaged~~
36 ~~solely in used-oil or solvents milk-run activities obtain a~~
37 ~~California EPA number pursuant to Section 66262.12 of Title 22~~
38 ~~of the California Code of Regulations.~~

39 *SEC. 8. No reimbursement is required by this act pursuant to*
40 *Section 6 of Article XIII B of the California Constitution because*



1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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