

AMENDED IN SENATE APRIL 23, 2001

AMENDED IN SENATE APRIL 16, 2001

SENATE BILL

No. 271

Introduced by Senator O'Connell

February 16, 2001

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. *Existing law allows used oil, antifreeze, oil/water separation sludge, and parts cleaning solvent, to be manifested for transportation under this modified manifesting procedure.*

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. *This bill would define the terms “consolidated transporter” and “consolidated manifest” for purposes of this consolidated manifesting procedure.*

The bill would include, as eligible for the consolidated manifesting procedure, in addition to the materials currently subject to the modified manifesting procedure, brake fluid, paint-related waste, spent photographic solutions, sludge containing specified materials, dry cleaning solvents and related wastes, asbestos, inks, and chemical and laboratory lab packs collected from elementary and secondary schools, pursuant to specified requirements. The bill would require a transporter using the consolidated manifesting procedure to submit specified quarterly reports to the department, and would impose new requirements concerning the retention of receipts and manifests under the consolidated manifesting procedure. The bill would also make conforming changes.

(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.



1 (b) (1) Except as provided in Section 25160.2 or as otherwise
2 ~~allowed by permit or~~ *authorized by a* variance issued by the
3 department, any person generating hazardous waste that is
4 transported, or submitted for transportation, for offsite handling,
5 treatment, storage, disposal, or any combination thereof, shall
6 complete a manifest prior to the time the waste is transported or
7 offered for transportation, and shall designate on that manifest the
8 facility to which the waste is to be shipped for the handling,
9 treatment, storage, disposal, or combination thereof. The manifest
10 shall be completed, as required by the department. The generator
11 shall provide the manifest to the person who will transport the
12 hazardous waste, who is the driver, if the hazardous waste will be
13 transported by vehicle, or the person designated by the railroad
14 corporation or vessel operator, if the hazardous waste will be
15 transported by rail or vessel. The generator shall use the standard
16 California Uniform Hazardous Waste Manifest supplied by the
17 department for all shipments of hazardous waste for which a
18 manifest is required, except as provided in paragraph (2). A
19 manifest shall only be used for the purposes specified in this
20 chapter, including, but not limited to, identifying materials that the
21 person completing the manifest reasonably believes are hazardous
22 waste. Within 30 days from the date of transport, or submission for
23 transport, of hazardous waste, each generator of that hazardous
24 waste shall submit to the department a legible copy of each
25 manifest used. The copy submitted to the department shall contain
26 the signatures of the generator and the transporter. In lieu of
27 submitting a copy of each manifest used, a generator may submit
28 an electronic report to the department meeting the requirements of
29 Section 25160.3.

30 (2) Except as provided in Section 25160.2 or as otherwise
31 ~~allowed by permit or~~ *authorized by a* variance issued by the
32 department, any person generating hazardous waste that is
33 transported, or submitted for transportation, for offsite handling,
34 treatment, storage, disposal, or any combination thereof, outside
35 of the state, shall complete, whether or not the waste is determined
36 to be hazardous by the importing country or state, a standard
37 California Uniform Hazardous Waste Manifest, or the generator
38 shall complete, in its own form of manifest, the manifest required
39 by the receiving state and shall submit a copy of that manifest to
40 the department within 30 days from the date of the transport, or



1 submission for transport, of the hazardous waste. In lieu of
2 submitting a copy of each manifest used, a generator may submit
3 an electronic report to the department meeting the requirements of
4 Section 25160.3.

5 (3) Within 30 days from the date of transport, or submission for
6 transport, of hazardous waste out of state, each generator of that
7 hazardous waste shall submit to the department a legible copy of
8 each manifest used. The copy submitted to the department shall
9 contain the signatures of the generator, all transporters, excepting
10 intermediate rail transporters, and the out-of-state facility
11 operator. If within 35 days from the date of the initial shipment, or
12 for exports by water to foreign countries 60 days after the initial
13 shipment, the generator has not received a copy of the manifest
14 signed by all transporters and the facility operator, the generator
15 shall contact the owner or operator of the designated facility to
16 determine the status of the hazardous waste and to request that the
17 owner or operator immediately provide a signed copy of the
18 manifest to the generator. Except as provided otherwise in
19 paragraph (2) of subdivision (h) of Section 25123.3, if within 45
20 days from the date of the initial shipment or, for exports by water
21 to foreign countries, 90 days from the date of the initial shipment,
22 the generator has not received a copy of the signed manifest from
23 the facility owner or operator, the generator shall submit an
24 exception report to the department.

25 (4) For shipments of waste that do not require a manifest
26 pursuant to Title 40 of the Code of Federal Regulations, the
27 department, by regulation, may establish manifest requirements
28 that differ from the requirements of this section. The requirements
29 for an alternative form of manifest shall ensure that the hazardous
30 waste is transported by a registered hazardous waste transporter,
31 that the hazardous waste is tracked, and that human health and
32 safety and the environment are protected.

33 (5) (A) Notwithstanding any other provision of this section,
34 except as provided in subparagraph (B), the generator copy of the
35 manifest is not required to be submitted to the department for any
36 waste transported in compliance with the consolidated manifest
37 procedures in Section 25160.2 or when the transporter is operating
38 pursuant to a variance issued by the department pursuant to
39 Section 25143 authorizing the use of a consolidated manifest for
40 waste not listed in Section 25160.2, if the generator, transporter,



1 and facility are all identified as the same company on the
2 hazardous waste manifest. If multiple identification numbers are
3 used by a single company, all of the company's identification
4 numbers shall be included in its annual transporter registration
5 application, if those numbers will be used with the consolidated
6 manifest procedure. Nothing in this paragraph affects the
7 obligation of a facility operator to submit to the department a copy
8 of a manifest pursuant to this section.

9 (B) If the waste subject to subparagraph (A) is transported out
10 of state, the generator shall either ensure that the facility operator
11 submits to the department a copy of the manifest or the generator
12 shall submit a copy to the department that contains the signatures
13 of the generator, all transporters, excepting intermediate rail
14 transporters, and the out-of-state facility operator pursuant to
15 paragraph (3).

16 (c) (1) The department shall determine the form and manner
17 in which a manifest shall be completed and the information that the
18 manifest shall contain. The information requested on the manifest
19 shall serve as the data dictionary for purposes of the developing of
20 an electronic reporting format pursuant to Section 71062 of the
21 Public Resources Code. The form of each manifest and the
22 information requested on each manifest shall be the same for all
23 hazardous wastes, regardless of whether the hazardous wastes are
24 also regulated pursuant to the federal act or by regulations adopted
25 by the United States Department of Transportation. However, the
26 form of the manifest and the information required shall be
27 consistent with federal regulations.

28 (2) Pursuant to federal regulations, the department may require
29 information on the manifest in addition to the information required
30 by federal regulations.

31 (d) (1) Any person who transports hazardous waste in a
32 vehicle shall have a manifest in his or her possession while
33 transporting the hazardous waste. The manifest shall be shown
34 upon demand to any representative of the department, any officer
35 of the California Highway Patrol, any local health officer, any
36 certified unified program agency, or any local public officer
37 designated by the director. If the hazardous waste is transported by
38 rail or vessel, the railroad corporation or vessel operator shall
39 comply with Subchapter C (commencing with Section 171.1) of
40 Chapter 1 of Subtitle B of Title 49 of the Code of Federal



1 Regulations and shall also enter on the shipping papers any
2 information concerning the hazardous waste that the department
3 may require.

4 (2) Any person who transports any waste, as defined by Section
5 25124, and who is provided with a manifest for that waste shall,
6 while transporting that waste, comply with all requirements of this
7 chapter, and the regulations adopted pursuant thereto, concerning
8 the transportation of hazardous waste.

9 (3) Any person who transports hazardous waste shall transfer
10 a copy of the manifest to the facility operator at the time of
11 delivery, or to the person who will subsequently transport the
12 hazardous waste in a vehicle. Any person who transports
13 hazardous waste and then transfers custody of that hazardous
14 waste to a person who will subsequently transport that waste by rail
15 or vessel shall transfer a copy of the manifest to the person
16 designated by the railroad corporation or vessel operator, as
17 specified by Subchapter C (commencing with Section 171.1) of
18 Chapter 1 of Subtitle B of Title 49 of the Code of Federal
19 Regulations.

20 (4) Any person transporting hazardous waste by motor vehicle,
21 rail, or water shall certify to the department, at the time of initial
22 registration and at the time of renewal of that registration pursuant
23 to this article, that the transporter is familiar with the requirements
24 of this section, the department regulations, and federal laws and
25 regulations governing the use of manifests.

26 (e) (1) Any facility operator in the state who receives
27 hazardous waste for handling, treatment, storage, disposal, or any
28 combination thereof, which was transported with a manifest
29 pursuant to this section, shall submit a copy of the manifest to the
30 department within 30 days from the date of receipt of the
31 hazardous waste. The copy submitted to the department shall
32 contain the signatures of the generator, all transporters, excepting
33 intermediate rail transporters, and the facility operator. In
34 instances in which the generator or transporter is not required by
35 the generator's state or federal law to sign the manifest, the facility
36 operator shall require the generator and all transporters, excepting
37 intermediate rail transporters, to sign the manifest before receiving
38 the waste at any facility in this state. In lieu of submitting a copy
39 of each manifest used, a facility operator may submit an electronic



1 report to the department meeting the requirements of Section
2 25160.3.

3 (2) Any treatment, storage, or disposal facility receiving
4 hazardous waste generated outside this state may only accept the
5 hazardous waste for treatment, storage, disposal, or any
6 combination thereof, if the hazardous waste is accompanied by a
7 completed standard California Uniform Hazardous Waste
8 Manifest.

9 (3) A facility operator may accept hazardous waste generated
10 offsite that is not accompanied by a properly completed and signed
11 standard California Uniform Hazardous Waste Manifest if the
12 facility operator meets both of the following conditions:

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

16 (B) The facility operator is in compliance with the regulations
17 adopted by the department specifying the conditions and
18 procedures applicable to the receipt of hazardous waste under
19 these circumstances.

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

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

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



1 SEC. 4. Section 25160.2 is added to the Health and Safety
2 Code, to read:

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

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

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

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

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

36 (4) All copies of each receipt shall contain all of the following
37 information:

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



1 (B) The date of the shipment.

2 (C) The manifest number.

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

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

11 (F) The transporter's name, address, and identification
12 number.

13 (G) The driver's signature.

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

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

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

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

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

39 (9) All other manifesting requirements of Sections 25160 and
40 25161 shall be complied with unless specifically exempted under



1 this section. If an out of state receiving facility is not required to
2 submit the signed manifest copy to the department, the
3 consolidated transporter, acting as generator, shall submit a copy
4 of the manifest signed by the receiving facility to the department
5 pursuant to paragraph (3) of subdivision (b) of Section 25160.

6 (10) Each generator using the consolidated manifesting
7 procedure ~~must~~ shall have an identification number, unless
8 exempted from manifesting requirements by action of Section
9 25143.13 for generators of photographic waste less than 100
10 kilograms per calendar month.

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

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

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

27 (A) Wastes eligible for consolidated manifesting:

28 (i) Other oil-containing waste.

29 (ii) Brake fluid.

30 (iii) Antifreeze.

31 (iv) Antifreeze sludge.

32 (v) Parts cleaning solvents, including aqueous cleaning
33 solvents.

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

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

37 (viii) Spent photographic solutions.

38 (ix) Dry cleaning solvents (including percholoroethylene,
39 naphtha, and silicone based solvents).



1 (x) Filters, lint, and sludges contaminated with dry cleaning
2 solvent.

3 (xi) Asbestos and asbestos-containing materials.

4 (xii) Inks from the printing industry.

5 (xiii) Chemicals and laboratory packs collected from K-12
6 schools.

7 (xiv) Absorbents contaminated with other wastes listed in this
8 section.

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

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

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

25 (d) Transporters using the consolidated manifesting procedure
26 set forth in this section shall submit quarterly reports to the
27 department 30 days after the end of each quarter. The first
28 *quarterly* report shall be submitted on October 31, 2002, covering
29 the July to September 2002 period, and every three months
30 thereafter. Except as otherwise specified in paragraph (1), the
31 *quarterly* report shall be submitted in an electronic format
32 provided by the department. To the extent allowed by federal law,
33 ~~the information made available to the department in such quarterly~~
34 ~~reports~~ *quarterly reports submitted pursuant to this subdivision*
35 shall be deemed to be trade secrets and confidential business
36 information for purposes of 25173 and Section 66260.2 of Title 22
37 of the California Code of Regulations. *This subdivision does not*
38 *prohibit the department from making available the information*
39 *included in the quarterly reports in response to a public request*



1 *that seeks information regarding an individual generator at a*
2 *specifically identified location.*

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

8 (2) For each transporter's name, terminal address, and
9 identification number, the quarterly report shall include the
10 following information for each generator for each consolidated
11 manifest:

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

14 (B) The date of the shipment.

15 (C) The manifest number.

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

19 (e) Upon the effective date of the act adding this statute, the
20 regulations in Section 66263.42 of Title 22 of the California Code
21 of Regulations dealing with milkrun transporters are repealed by
22 operation of law. The department shall delete this regulation
23 pursuant to Section 100 of Title 1 of the California Code of
24 Regulations.

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

27 25165. (a) A hazardous waste transporter's application for
28 original and renewal registration shall be on a form provided by
29 the department. Any application for an original or renewal
30 registration received on or after January 1, 2002, from a
31 transporter that transports, or intends to transport, any waste
32 stream pursuant to the consolidated manifesting procedure
33 specified in subdivision (c) of Section 25160.2, shall include a
34 statement by the transporter notifying the department of that
35 transportation and shall list the specific category or categories of
36 waste streams to be transported using the consolidated manifesting
37 procedure.

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



1 SEC. 6. Section 25250.8 of the Health and Safety Code is
2 repealed.

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

5 Sec. 4. The Department of Toxic Substances Control shall,
6 notwithstanding Chapter 6.5 (commencing with Section 25100) of
7 Division 20 of the Health and Safety Code, revise Division 4.5
8 (commencing with Section 60001) of Title 22 of the California
9 Code of Regulations to do both of the following:

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

23 (b) Revise the California Hazardous Waste Code Numbers, as
24 specified in Appendix XII of Section 66261.126 of Title 22 of the
25 California Code of Regulations, to include only non-RCRA
26 hazardous waste, as defined in Section 25117.9 of the Health and
27 Safety Code.

28 SEC. 8. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.

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