

Introduced by Senator HuffFebruary 16, 2011

An act to amend Sections 25218.1 and 25218.5 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 456, as introduced, Huff. Household hazardous waste: transportation.

(1) Existing law, part of the hazardous waste control laws, authorizes a door-to-door household hazardous waste collection program to transport hazardous waste from individual residences to an authorized household hazardous waste collection facility. Existing law exempts a door-to-door household hazardous waste collection program from using a manifest when transporting household hazardous waste collected from individual residences for transportation to an authorized collection facility. A violation of the hazardous waste control laws is a crime.

This bill would also authorize a door-to-door household hazardous waste collection program to transport household hazardous waste to a treatment storage and disposal facility, as defined, or to an exempt transfer facility, as specified, that is used while the waste is in transit to either the household hazardous waste collection facility or to the treatment storage and disposal facility. The bill, among other things, would require the public agency, if it transports household hazardous waste to a treatment storage and disposal facility, as specified, to start a manifest when the first hazardous waste item is collected. Since a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

(2) 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 25218.1 of the Health and Safety Code
2 is amended to read:

3 25218.1. For purposes of this article, the following terms have
4 the following ~~meaning~~ *meanings*:

5 (a) “Conditionally exempt small quantity generator” or
6 “CESQG” means a business concern ~~which~~ *that* meets the criteria
7 specified in Section 261.5 of Title 40 of the Code of Federal
8 Regulations.

9 (b) “Curbside household hazardous waste collection program”
10 means a collection service authorized by a public agency that is
11 operated in accordance with Section 25163 and subdivision (d) of
12 Section 25218.5 and that collects one or more of the following
13 types of household hazardous waste:

14 (1) Latex paint.

15 (2) Used oil.

16 (3) Used oil filters.

17 (4) Household hazardous waste that is designated as a universal
18 waste pursuant to this chapter or the regulations adopted by the
19 department.

20 (c) “Door-to-door household hazardous waste collection
21 program” or “household hazardous waste residential pickup
22 service” means a program operated by a public agency, or its
23 contractor, that collects household hazardous waste from individual
24 residences; and transports that waste in an inspected and certified
25 hazardous waste transport vehicle to an authorized household
26 hazardous waste collection facility, *to a treatment storage and
27 disposal facility, or to an exempt transfer facility within the
28 meaning of Section 66263.18 of Title 22 of the California Code of
29 Regulations, if that facility is used while the waste is in transit to*

1 *either an authorized household hazardous waste collection facility*
2 *or to a treatment storage and disposal facility.*

3 (d) “Household” means a single detached residence or a single
4 unit of a multiple residence unit and all appurtenant structures.

5 (e) “Household hazardous waste” means any hazardous waste
6 generated incidental to owning or maintaining a place of residence.
7 Household hazardous waste does not include ~~any~~ waste generated
8 in the course of operating a business concern at a residence.

9 (f) “Household hazardous waste collection facility” means a
10 facility operated by a public agency, or its contractor, for the
11 purpose of collecting, handling, treating, storing, recycling, or
12 disposing of household hazardous waste, and its operation may
13 include accepting hazardous waste from conditionally exempt
14 small quantity generators if that acceptance is authorized pursuant
15 to Section 25218.3. Household hazardous waste collection facilities
16 include permanent household hazardous waste collection facilities,
17 as defined in subdivision (h), temporary household hazardous
18 waste collection facilities, as defined in subdivision (p),
19 recycle-only household hazardous waste collection facilities, as
20 defined in subdivision (n), curbside household hazardous waste
21 collection programs, as defined in subdivision (b), and mobile
22 household hazardous waste collection facilities, as defined in
23 subdivision (g).

24 (g) “Mobile household hazardous waste collection facility”
25 means a portable structure within which a household hazardous
26 waste collection facility is operated and that meets all of the
27 following conditions:

28 (1) The facility is operated not more than four times in any one
29 calendar year at the same location.

30 (2) The facility is operated not more than three consecutive
31 weeks within a two-month period at the same location.

32 (3) Upon the termination of operations, all equipment, materials,
33 and waste are removed from the site within 144 hours.

34 (h) “Permanent household hazardous waste collection facility”
35 means a permanent or semipermanent structure at a fixed location
36 that meets both of the following conditions:

37 (1) The facility is operated at the same location on a continuous,
38 regular schedule.

39 (2) The hazardous waste stored at the facility is removed within
40 one year after collection.

1 (i) “Public agency” means a state or federal agency, county,
2 city, or district.

3 (j) “Quality assurance plan” means a written protocol prepared
4 by a public agency that is designed to ensure that reusable
5 household hazardous products or materials, as defined in
6 subdivision (o), that are collected by a household hazardous waste
7 collection program are evaluated to verify that product containers,
8 contents, and labels are as they originated from the products’
9 manufacturers. The public agency or a person authorized by the
10 public agency, as defined in subdivision (k), shall design the
11 protocol to ensure, using its best efforts with the resources
12 generally available to the public agency, or the person authorized
13 by the public agency, that products selected for distribution are
14 appropriately labeled, uncontaminated, and appear to be as they
15 originated from the product manufacturers. A quality assurance
16 plan shall identify specific procedures for evaluating each container
17 placed in a recycling or exchange program. The quality assurance
18 plan shall also identify those products that shall not be accepted
19 for distribution in a recycling or exchange program. Unacceptable
20 products may include, but are not limited to, banned or unregistered
21 agricultural waste, as defined in subdivision (a) of Section 25207.1,
22 and products containing PCB, asbestos, or dioxin.

23 (k) “Person authorized by the public agency” means an
24 employee of a public agency or a person from whom services are
25 contracted by the public agency.

26 ~~(l) “Recipient”~~

27 (l) “Recipient” means any person who accepts a reusable
28 household hazardous product or material at a household hazardous
29 waste collection facility operating pursuant to this article.

30 (m) “Recyclable household hazardous waste material” means
31 any of the following:

32 (1) Latex paint.

33 (2) Used oil.

34 (3) Used oil filters.

35 (4) Antifreeze.

36 (5) Spent lead-acid batteries.

37 (6) Household hazardous waste that is designated as a universal
38 waste pursuant to this chapter or the regulations adopted by the
39 department, except a universal waste for which the department
40 determines, by regulation, that there is no readily available

1 authorized recycling facility capable of accepting and recycling
2 that waste.

3 (n) “Recycle-only household hazardous waste collection facility”
4 means a household hazardous waste collection facility that is
5 operated in accordance with Section 25218.8 and accepts for
6 recycling only recyclable household hazardous waste materials.

7 (o) “Reusable household hazardous product or material” means
8 a container of household hazardous product, or a container of
9 hazardous material generated by a conditionally exempt small
10 quantity generator, that has been received by a household hazardous
11 waste facility operating pursuant to this article and that is offered
12 for distribution in a materials exchange program to a recipient, as
13 defined in subdivision ~~(h)~~ (l), in accordance with a quality
14 assurance plan, as defined in subdivision (j).

15 (p) “Temporary household hazardous waste collection facility”
16 means a household hazardous waste collection facility that meets
17 both of the following conditions:

18 (1) The facility is operated not more than once for a period of
19 not more than two days in any one month at the same location.

20 (2) Upon termination of operations, all equipment, materials,
21 and waste are removed from the site within 144 hours.

22 (q) *“Treatment storage and disposal facility” means a site*
23 *where a hazardous substance is treated, stored, or disposed of.*

24 SEC. 2. Section 25218.5 of the Health and Safety Code is
25 amended to read:

26 25218.5. (a) (1) Except as provided in paragraph (2),
27 hazardous waste transported to a household hazardous waste
28 collection facility shall be transported by any of the following:

29 (A) The individual or CESQG who generated the waste.

30 (B) A curbside household hazardous waste collection program.

31 (C) A mobile household hazardous waste collection facility, a
32 temporary household hazardous waste collection facility, or a
33 recycle-only household hazardous waste facility.

34 (D) A door-to-door household hazardous waste collection
35 program.

36 (E) A household hazardous waste residential pickup service.

37 (F) A registered hazardous waste transporter carrying hazardous
38 waste generated by a CESQG.

39 (G) A registered hazardous waste transporter carrying hazardous
40 waste from a solid waste landfill loadcheck program or a transfer

1 station loadcheck program under agreement with the household
2 hazardous waste facility.

3 (H) A registered hazardous waste transporter, under agreement
4 with the household hazardous waste facility, operating under a
5 contract with a public agency to transport hazardous wastes that
6 were disposed of in violation of this chapter, and that are being
7 removed by, or are being removed under the oversight of, the
8 public agency, if the hazardous wastes were not originally disposed
9 of in violation of this chapter by that public agency.

10 (2) Spent batteries that are received and transported pursuant
11 to Section 25216.1 may be transported to a household hazardous
12 waste collection facility from a collection location or an
13 intermediate collection location.

14 (3) Notwithstanding Section 25218.4, a registered hazardous
15 waste transporter or mobile household hazardous waste collection
16 facility transporting hazardous waste to a household hazardous
17 waste collection facility shall comply with subdivisions (a) and
18 (c) of Section 25163 and paragraph (1) of subdivision (d) of Section
19 25160.

20 (b) An individual transporting household hazardous waste
21 generated by that individual and a CESQG transporting hazardous
22 waste generated by the CESQG to a household hazardous waste
23 collection facility shall meet all of the following conditions:

24 (1) (A) Except as provided in subparagraphs (B) and (C) and
25 Section 25218.5.1, the total amount of household hazardous waste
26 transported by an individual or hazardous waste transported by a
27 CESQG to a household hazardous waste collection facility shall
28 not exceed a total liquid volume of five gallons or a total dry weight
29 of 50 pounds. If the hazardous waste transported is both liquid and
30 nonliquid, the total amount transported shall not exceed a combined
31 weight of 50 pounds.

32 (B) Subparagraph (A) does not apply to spent batteries that are
33 collected by a collection location or intermediate collection location
34 pursuant to Section 25216.1 and transported to a household
35 hazardous waste collection facility.

36 (C) A CESQG may transport up to 27 gallons or 220 pounds,
37 but not more than 100 kilograms, per month to a household
38 hazardous waste collection facility, if all of the following
39 conditions are met:

- 1 (i) The hazardous waste being transported was generated by
2 that CESQG.
- 3 (ii) The CESQG contacts the household hazardous waste
4 collection facility prior to each delivery to confirm that the facility
5 will accept the hazardous waste.
- 6 (iii) The household hazardous waste collection facility provides
7 oral, written, or electronic instructions to the CESQG prior to each
8 delivery on proper packing for the safe transportation of the specific
9 hazardous waste being transported.
- 10 (iv) The CESQG or employees of the CESQG transport the
11 hazardous waste in a vehicle owned and operated by the CESQG.
- 12 (2) The household hazardous waste and CESQG hazardous
13 waste that is transported shall be in closed containers and packed
14 in a manner that prevents the containers from tipping, spilling, or
15 breaking during transport.
- 16 (3) Different household hazardous wastes or different CESQG
17 hazardous wastes shall not be mixed within a container before or
18 during transport.
- 19 (4) If the hazardous waste is an extremely hazardous waste or
20 an acutely hazardous waste, the total amount transported by a
21 CESQG shall not exceed 2.2 pounds.
- 22 (c) (1) Except as provided in paragraph (2), the total combined
23 volume or weight of latex paint, used oil filters, antifreeze, and
24 small batteries transported to a recycle-only household hazardous
25 waste collection facility by any one individual shall not exceed a
26 total volume of 10 gallons or a total dry weight of 100 pounds. Up
27 to two spent lead-acid batteries may be transported at the same
28 time and not more than 20 gallons of used oil may be transported
29 in the same vehicle if the volume of each individual container does
30 not exceed five gallons.
- 31 (2) Paragraph (1) does not apply to spent batteries that are
32 collected by a collection location or intermediate collection location
33 pursuant to Section 25216.1 and transported to a household
34 hazardous waste collection facility.
- 35 (d) A curbside household hazardous waste collection program
36 shall meet all of the following conditions:
- 37 (1) Not more than a total combined weight of 10 pounds of used
38 oil filters shall be collected from a single residence at one time.

1 (2) Not more than five gallons of used oil shall be collected
2 from a single residence at one time, and the volume of each
3 individual container collected shall not exceed five gallons.

4 (3) Not more than five gallons of latex paint shall be collected
5 from a single residence at one time, and the volume of each
6 individual container collected shall not exceed five gallons.

7 (4) Hazardous waste containing mercury shall not be collected
8 by a curbside household hazardous waste collection program unless
9 the waste is contained in secure packaging that prevents breakage
10 and spillage.

11 (5) Fluorescent light tubes that are four feet or greater in length
12 shall not be collected by a curbside household hazardous waste
13 collection program.

14 (6) The transported household hazardous waste shall be in closed
15 containers and packed in a manner that prevents the containers
16 from tipping, spilling, or breaking during transport.

17 (7) Different household hazardous wastes shall not be mixed
18 within a container before or during transport.

19 (e) A door-to-door household hazardous waste collection
20 program or household hazardous waste residential pickup service
21 shall meet all of the following conditions:

22 (1) The transported household hazardous waste shall be in closed
23 containers and packed in a manner that prevents the containers
24 from tipping, spilling, or breaking during transport.

25 (2) Different household hazardous wastes shall not be mixed
26 within a container before or during transport.

27 (3) (A) A door-to-door household hazardous waste collection
28 program or household hazardous waste residential pickup service
29 is exempt from the requirements of Section 25160 regarding the
30 use of a manifest when transporting household hazardous waste
31 collected from individual residences to an authorized hazardous
32 waste collection facility. In lieu of a manifest, a receipt shall be
33 issued for the household hazardous waste collected from an
34 individual residence, and a copy of the receipt shall be retained by
35 the public agency for a period of at least three years.

36 (B) *If household hazardous waste is transported to a treatment,*
37 *storage, and disposal facility, including during the use of an exempt*
38 *transfer facility while the waste is in transit, a manifest shall be*
39 *started by the public agency, or its contractor, when the first*
40 *hazardous waste item is collected. The public agency's*

1 *Environmental Protection Agency identification number shall be*
2 *listed on the manifest. Notwithstanding paragraph (2), waste from*
3 *multiple jurisdictions may be mixed in one container, but a*
4 *separate manifest shall be created for each jurisdiction unless the*
5 *collection is part of a multijurisdictional program. Waste may be*
6 *consolidated while on the vehicle.*

7 (f) Notwithstanding Section 25218.4, a mobile household
8 hazardous waste collection facility, a temporary household
9 hazardous waste collection facility, or a recycle-only household
10 hazardous waste collection facility that transports household
11 hazardous waste from the collection facility to a household
12 hazardous waste collection facility pursuant to subdivision (a) shall
13 comply with subdivisions (a) and (c) of Section 25163 and
14 paragraph (1) of subdivision (d) of Section 25160.

15 SEC. 3. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.