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AMENDED IN SENATE JULY 13, 1995  
AMENDED IN SENATE JULY 3, 1995  
AMENDED IN ASSEMBLY MARCH 21, 1995

CALIFORNIA LEGISLATURE—1995-96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 483**

**Introduced by Assembly Member Alpert**

February 16, 1995

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An act to ~~amend Sections 25143.2, 25201.13, and 25201.5 of, and to add Sections 25134.7, 25143.11, and add Sections 25143.11 and 25201.14 to,~~ the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 483, as amended, Alpert. Hazardous waste: facilities permits: exemptions: recycling.

~~(1) Existing law subjects a recyclable material to the requirements of the hazardous waste control laws, unless the Department of Toxic Substances Control issues a variance or unless the material meets specified requirements, including if the recyclable material meets the definition of a non-RCRA hazardous waste, is managed as specified, and meets certain requirements. A recyclable material may be recycled at a facility which is not an authorized hazardous waste facility if the facility meets specified requirements. A recyclable material which is used in a manner constituting disposal or~~

~~used to produce products that are applied to the land is considered a hazardous waste. A violation of the laws regulating hazardous waste is a crime.~~

~~This bill would additionally include specified procedures for treating paint or coating materials containers and filter cartridges, socks, or pads that are used or reused as an ingredient or a substitute ingredient in an industrial process to make a product.~~

~~The bill would delete, from an exemption from classification as a recyclable material, certain materials that have been recycled, that are placed on the land or used to produce a product that is placed in the land, if specified requirements are met with regard to hazardous constituent leachates and contents, commercial availability, used oil, and meeting specified regulations. The bill would prohibit the department from regulating, as a treatment unit, a unit in which a material is managed pursuant to the recyclable materials exclusions, except a unit in which a material is recycled at an authorized offsite hazardous waste facility or other hazardous wastes are being treated.~~

~~The bill would define the term “unit.”~~

~~Since the bill would revise the definition of a crime and impose new requirements, the bill would impose a state-mandated local program.~~

~~(2) Under existing law, the department *Department of Toxic Substances Control* is required to issue hazardous waste facilities permits to use and operate hazardous waste management units at a facility which, in the judgment of the department, meet the building standards relating to hazardous waste facilities and other applicable standards and requirements. Existing law requires the department to impose conditions on each hazardous waste facilities permit specifying the types of hazardous wastes which may be accepted for transfer, storage, treatment, or disposal, and authorizes the department to impose any other conditions on a hazardous waste facilities permit that are consistent with the hazardous waste control laws. Certain hazardous waste treatment methods are conditionally exempted from the hazardous waste facilities permit requirements. *A violation of the hazardous waste control laws is a crime.*~~



~~Existing law exempts from hazardous waste facilities requirements an owner or operator of an elementary neutralization unit, as defined, that neutralizes wastes which are hazardous solely due to corrosivity or toxicity that results only from the acidic or alkaline material, if the wastes result solely from the regeneration of ion exchange media used to demineralize water.~~

~~This bill would generally exempt from the hazardous waste control laws secondary materials that are reclaimed and returned to the original process or processes in which they were generated, subject to specified requirements.~~

~~The bill would delete from the conditional exemption provisions, generators conducting the neutralization of wastes from food or food byproducts and laboratories treating wastewaters or specified amounts of hazardous waste.~~

~~This bill would additionally exempt an owner or operator of an elementary neutralization unit, if the owner or operator neutralizes acidic wastes which are hazardous solely due to corrosivity resulting from the presence of food or food byproducts, the owner or operator is a laboratory which is certified by the State Department of Health Services or operated by an educational institution, and treats specified wastewater or hazardous waste, the owner or operator neutralizes acidic or alkaline wastes in batches that are not larger than 55 gallons in volume, the owner or operator neutralizes acidic or alkaline wastes in an elementary neutralization unit, that meets specified requirements with regard to automatic controls.~~

~~*This bill would require the department, on or before January 1, 1997, to the extent consistent with the protection of the public health, safety, and the environment, to adopt regulations exempting secondary materials, as defined, from the hazardous waste control laws, as specified.*~~

~~The bill would exempt from hazardous waste facilities requirements, the puncturing, draining, or crushing of aerosol cans, the separation of used oil from water, if the separation is accomplished using certain methods, and the operation of a totally enclosed treatment facility, if specified requirements are met by the owner or operator conducting those activities.~~



Because the bill would revise the definition of a crime, the bill would impose a state-mandated local program. ~~The bill would require an owner or operator conducting these activities to provide a specified notification to local officers and agencies.~~

~~(3)~~

(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 25134.7 is added to the Health~~  
2 *SECTION 1. Section 25143.11 is added to the Health*  
3 *and Safety Code, to read:*  
4 *25143.11. (a) The department shall, on or before*  
5 *January 1, 1997, to the extent that it is consistent with the*  
6 *protection of the public health, safety, and the*  
7 *environment, adopt regulations exempting secondary*  
8 *materials from this chapter. Those regulations shall be*  
9 *adopted pursuant to Chapter 3.5 (commencing with*  
10 *Section 11340) of Part 1 of Division 3 of Title 2 of the*  
11 *Government Code, and shall consider the restrictions*  
12 *listed in paragraph (8) of subsection (a) of Section 261.4*  
13 *of Title 40 of the Code of Federal Regulations which apply*  
14 *to the exclusion of secondary materials from regulation*  
15 *under the federal act.*  
16 *(b) For purposes of this section, “secondary materials”*  
17 *means materials that are reclaimed and returned to the*  
18 *original process or processes in which they were*  
19 *generated where they are reused in the production*  
20 *process.*  
21 ~~and Safety Code, to read:~~  
22 ~~25134.7. “Unit” means, for the purposes of onsite~~  
23 ~~treatment or recycling, a combination of tanks or tank~~



1 ~~systems or containers located together that are plumbed~~  
2 ~~together or otherwise linked so as to form one system and~~  
3 ~~are used in sequence to treat one or more compatible~~  
4 ~~hazardous waste streams.~~

5 ~~SEC. 2. Section 25143.2 of the Health and Safety Code~~  
6 ~~is amended to read:~~

7 ~~25143.2. (a) Recyclable materials are subject to the~~  
8 ~~requirements of this chapter and the regulations adopted~~  
9 ~~by the department to implement this chapter which~~  
10 ~~apply to hazardous wastes, unless the department issues~~  
11 ~~a variance pursuant to Section 25143, or except as~~  
12 ~~provided otherwise in subdivision (b), (c), (d), or (i) or~~  
13 ~~the regulations adopted by the department pursuant to~~  
14 ~~Sections 25150 and 25151. For the purposes of this section,~~  
15 ~~recyclable material does not include infectious waste.~~

16 ~~(b) Except as otherwise provided in subdivisions (e),~~  
17 ~~(f), and (g), recyclable material which is managed in~~  
18 ~~accordance with Section 25143.9 and is or will be recycled~~  
19 ~~by any of the following methods shall be excluded from~~  
20 ~~classification as a waste:~~

21 ~~(1) Used or reused as an ingredient in an industrial~~  
22 ~~process to make a product, if the material is not being~~  
23 ~~reclaimed.~~

24 ~~(2) Used or reused as a safe and effective substitute for~~  
25 ~~commercial products, if the material is not being~~  
26 ~~reclaimed.~~

27 ~~(3) Returned to the original process from which the~~  
28 ~~material was generated, without first being reclaimed, if~~  
29 ~~the material is returned as a substitute for raw material~~  
30 ~~feedstock, and the process uses raw materials as principal~~  
31 ~~feedstocks.~~

32 ~~(e) Except as otherwise provided in subdivision (e),~~  
33 ~~any recyclable material may be recycled at a facility~~  
34 ~~which is not authorized by the department pursuant to~~  
35 ~~the applicable hazardous waste facilities permit~~  
36 ~~requirements of Article 9 (commencing with Section~~  
37 ~~25200) if either of the following requirements is met:~~

38 ~~(1) The material is a petroleum refinery waste~~  
39 ~~containing oil which is converted into petroleum coke at~~  
40 ~~the same facility at which the waste was generated, unless~~



~~1 the resulting coke product would be identified as a  
2 hazardous waste under this chapter. A waste subject to  
3 this paragraph is exempt from this chapter to the same  
4 extent the waste is exempt from subsections (q), (r), and  
5 (s) of Section 6924 of Title 42 of the United States Code.~~

~~6 (2) The material meets all of the following conditions:~~

~~7 (A) The material is recycled and used at the same  
8 facility at which the material was generated.~~

~~9 (B) The material is recycled within 90 days of its  
10 generation.~~

~~11 (C) The material is managed in accordance with all  
12 applicable requirements for generators of hazardous  
13 wastes under this chapter and regulations adopted by the  
14 department.~~

~~15 (d) Except as otherwise provided in subdivisions (e),  
16 (f), (g), and (h), recyclable material which meets the  
17 definition of a non-RCRA hazardous waste in Section  
18 25117.9, is managed in accordance with Section 25143.9,  
19 and meets or will meet any of the following requirements  
20 is excluded from classification as a waste:~~

~~21 (1) The material can be shown to be recycled and used  
22 at the site where the material was generated.~~

~~23 (2) The material qualifies as one or more of the  
24 following:~~

~~25 (A) The material is a product, which has been  
26 processed from a hazardous waste, or which has been  
27 handled, at a facility authorized by the department  
28 pursuant to the facility permit requirements of Article 9  
29 (commencing with Section 25200) to process or handle  
30 the material, if the product meets both of the following  
31 conditions:~~

~~32 (i) The product does not contain constituents, other  
33 than those for which the material is being recycled which  
34 render the material hazardous under regulations adopted  
35 pursuant to Sections 25140 and 25141.~~

~~36 (ii) The product is used, or distributed or sold for use,  
37 in a manner for which the product is commonly used.~~

~~38 (B) The material is a petroleum refinery waste  
39 containing oil which is converted into petroleum coke at  
40 the same facility at which the waste was generated, unless~~



1 ~~the resulting coke product would be identified as a~~  
2 ~~hazardous waste under this chapter.~~

3 ~~(C) The material is oily waste, used oil, or spent~~  
4 ~~nonhalogenated solvent which is managed by the owner~~  
5 ~~or operator of a refinery which is processing primarily~~  
6 ~~crude oil and which is not subject to permit requirements~~  
7 ~~for recycling of used oil, or a public utility, or a corporate~~  
8 ~~subsidiary, corporate parent, or subsidiary of the same~~  
9 ~~corporate parent of the refinery or public utility, and~~  
10 ~~which meets all of the following requirements:~~

11 ~~(i) The material is either burned in an industrial~~  
12 ~~boiler, an industrial furnace, an incinerator, or a utility~~  
13 ~~boiler which complies with all applicable federal and~~  
14 ~~state laws, or is recombined with normal process streams~~  
15 ~~to produce a fuel.~~

16 ~~(ii) The material is managed at the site where it was~~  
17 ~~generated; managed at another site owned or operated~~  
18 ~~by the generator, a corporate subsidiary of the generator,~~  
19 ~~a subsidiary of the same entity of which the generator is~~  
20 ~~a subsidiary, or the corporate parent of the generator; or,~~  
21 ~~if the material is generated in the course of oil or gas~~  
22 ~~exploration or production, managed by an unrelated~~  
23 ~~refinery receiving the waste through a common pipeline.~~

24 ~~(iii) The material does not contain constituents other~~  
25 ~~than those for which the material is being recycled which~~  
26 ~~render the material hazardous under regulations adopted~~  
27 ~~pursuant to Sections 25140 and 25141, unless the material~~  
28 ~~is an oily waste, other than used oil, and those constituents~~  
29 ~~are to be removed at the refinery prior to the use of the~~  
30 ~~material.~~

31 ~~(D) The material is a fuel which is removed from a fuel~~  
32 ~~tank, is either contaminated with water or by~~  
33 ~~nonhazardous debris, of not more than 2 percent by~~  
34 ~~weight, including, but not limited to, rust or sand, or a fuel~~  
35 ~~unintentionally mixed with an unused petroleum~~  
36 ~~product, and is transferred to, and processed into a fuel~~  
37 ~~at, a refinery which processes primarily crude oil.~~

38 ~~(3) The material is transported between locations~~  
39 ~~operated by the same person who generated the material,~~  
40 ~~if the material is recycled at the last location operated by~~



1 ~~that person and all of the conditions of clauses (i) to (vi),~~  
2 ~~inclusive, of subparagraph (A) of paragraph (4) are met.~~  
3 ~~If requested by the department or by any law~~  
4 ~~enforcement official, a person handling material subject~~  
5 ~~to this paragraph shall, within 15 days of the request,~~  
6 ~~supply documentation to show that the requirements of~~  
7 ~~this paragraph have been satisfied.~~

8 ~~(4) (A) The material is transferred between locations~~  
9 ~~operated by the same person who generated the material,~~  
10 ~~if the material is to be recycled at an authorized offsite~~  
11 ~~hazardous waste facility and if all of the following~~  
12 ~~conditions are met:~~

13 ~~(i) The material is transferred by employees of that~~  
14 ~~person in vehicles under the control of that person or by~~  
15 ~~a registered hazardous waste hauler under contract to~~  
16 ~~that person.~~

17 ~~(ii) The material is not handled at any interim~~  
18 ~~location.~~

19 ~~(iii) The material is not held at any publicly accessible~~  
20 ~~interim location for more than four hours unless required~~  
21 ~~by other provisions of law.~~

22 ~~(iv) The material is managed in compliance with the~~  
23 ~~requirements of this chapter and the regulations adopted~~  
24 ~~pursuant to this chapter prior to the initial transportation~~  
25 ~~of the material and after the receipt of the material at the~~  
26 ~~last location operated by that person. Upon receipt of the~~  
27 ~~material at the last location operated by that person, the~~  
28 ~~material shall be deemed to have been generated at that~~  
29 ~~location.~~

30 ~~(v) All of the following information is maintained in an~~  
31 ~~operating log, kept at the last location operated by that~~  
32 ~~person, for at least three years after receipt of the~~  
33 ~~material:~~

34 ~~(I) The name and address of each generator location~~  
35 ~~contributing material to each shipment received.~~

36 ~~(II) The quantity and type of material contributed by~~  
37 ~~each generator to each shipment of material.~~

38 ~~(III) The destination and intended disposition of all~~  
39 ~~material shipped offsite or received.~~



1 ~~(IV) The date of each shipment received or sent~~  
2 ~~offsite.~~

3 ~~(vi) If requested by the department, or by any law~~  
4 ~~enforcement official, a person handling material subject~~  
5 ~~to this paragraph shall, within 15 days of the request,~~  
6 ~~supply documentation to show that the requirements of~~  
7 ~~this paragraph have been satisfied.~~

8 ~~(B) For purposes of paragraph (3) and subparagraph~~  
9 ~~(A) of paragraph (4), "person" also includes corporate~~  
10 ~~subsidiary, corporate parent, or subsidiary of the same~~  
11 ~~corporate parent.~~

12 ~~(C) Persons which are a corporate subsidiary,~~  
13 ~~corporate parent, or subsidiary of the same corporate~~  
14 ~~parent, and which manage recyclable materials under~~  
15 ~~paragraph (3) or subparagraph (A) of paragraph (4), are~~  
16 ~~jointly and severally liable for any activities excluded~~  
17 ~~from regulation pursuant to this section.~~

18 ~~(5) The material is used or reused as an ingredient in~~  
19 ~~an industrial process to make a product, if the material is~~  
20 ~~not being treated before introduction to that process,~~  
21 ~~except by one or more of the procedures specified in this~~  
22 ~~paragraph. Any discharges to air from the following~~  
23 ~~procedures that contain constituents which are~~  
24 ~~hazardous wastes pursuant to the department's~~  
25 ~~regulations shall be in compliance with applicable air~~  
26 ~~pollution control laws:~~

27 ~~(A) Filtering.~~

28 ~~(B) Screening.~~

29 ~~(C) Sorting.~~

30 ~~(D) Sieving.~~

31 ~~(E) Grinding.~~

32 ~~(F) Physical or gravity separation, without the~~  
33 ~~addition of external heat or any chemicals.~~

34 ~~(G) pH adjustment.~~

35 ~~(H) Viscosity adjustment.~~

36 ~~(I) Puncturing, draining, or crushing containers of~~  
37 ~~paint or other similar coating materials.~~

38 ~~(J) Crushing, wringing, or otherwise squeezing filter~~  
39 ~~cartridges or absorbent socks or pads.~~



1 ~~(6) The material is used or reused as a safe and~~  
2 ~~effective substitute for commercial products, if the~~  
3 ~~material is not being treated, except by one or more of the~~  
4 ~~procedures specified in this paragraph. Any discharges to~~  
5 ~~air from the following procedures that contain~~  
6 ~~constituents which are hazardous wastes pursuant to the~~  
7 ~~department's regulations shall be in compliance with~~  
8 ~~applicable air pollution control laws:~~

9 ~~(A) Filtering.~~

10 ~~(B) Screening.~~

11 ~~(C) Sorting.~~

12 ~~(D) Sieving.~~

13 ~~(E) Grinding.~~

14 ~~(F) Physical or gravity separation, without the~~  
15 ~~addition of external heat or any chemicals.~~

16 ~~(G) pH adjustment.~~

17 ~~(H) Viscosity adjustment.~~

18 ~~(I) Puncturing, draining, or crushing containers of~~  
19 ~~paint or other similar coating materials.~~

20 ~~(J) Crushing, wringing, or otherwise squeezing filter~~  
21 ~~cartridges or absorbent socks or pads.~~

22 ~~(K) Crushing, wringing, or otherwise squeezing filters~~  
23 ~~or absorbent materials.~~

24 ~~(7) The material is a chlorofluorocarbon or~~  
25 ~~hydrochlorofluorocarbon compound or a combination of~~  
26 ~~chlorofluorocarbon or hydrochlorofluorocarbon~~  
27 ~~compounds, is being reused or recycled, and is used in~~  
28 ~~heat transfer equipment, including, but not limited to,~~  
29 ~~mobile air-conditioning systems, mobile refrigeration,~~  
30 ~~and commercial and industrial air-conditioning and~~  
31 ~~refrigeration systems, used in fire extinguishing products,~~  
32 ~~or contained within foam products.~~

33 ~~(e) Notwithstanding subdivisions (b), (c), and (d), all~~  
34 ~~of the following recyclable materials are hazardous~~  
35 ~~wastes and subject to full regulation under this chapter,~~  
36 ~~even if the recycling involves use, reuse, or return to the~~  
37 ~~original process as described in subdivision (b), or even~~  
38 ~~if the recycling involves activities or materials described~~  
39 ~~in subdivisions (c) and (d):~~



1 ~~(1) Materials which are an RCRA hazardous waste, as~~  
2 ~~defined in Section 25120.2, used in a manner constituting~~  
3 ~~disposal, or used to produce products that are applied to~~  
4 ~~the land including, but not limited to, materials used to~~  
5 ~~produce a fertilizer, soil amendment, agricultural~~  
6 ~~mineral, or an auxiliary soil and plant substance.~~

7 ~~(2) (A) Except as provided in subparagraphs (B) and~~  
8 ~~(C), materials which are a non-RCRA hazardous waste,~~  
9 ~~as defined in Section 25117.9, and used in a manner~~  
10 ~~constituting disposal or used to produce products that are~~  
11 ~~applied to the land as a fertilizer, soil amendment,~~  
12 ~~agricultural mineral, or an auxiliary soil and plant~~  
13 ~~substance.~~

14 ~~(B) Materials that are being recycled and that are~~  
15 ~~placed on the land or used to produce a product that is~~  
16 ~~placed on the land are exempt from the requirements of~~  
17 ~~subparagraph (A) if all of the following requirements are~~  
18 ~~met:~~

19 ~~(i) Hazardous constituents, other than those~~  
20 ~~constituents for which the material is being recycled,~~  
21 ~~whose concentrations in the recyclable material are~~  
22 ~~greater than or equal to the soluble threshold limit~~  
23 ~~concentrations (STLCs) set forth in subparagraphs (A)~~  
24 ~~and (B) of paragraph (2) of subdivision (a) of Section~~  
25 ~~66261.24 of Title 22 of the California Code of Regulations,~~  
26 ~~shall have chemically reacted or become physically~~  
27 ~~bound so as to not leach from the product containing the~~  
28 ~~recyclable material. To meet that requirement, the~~  
29 ~~following procedure shall be used to evaluate the~~  
30 ~~product:~~

31 ~~(I) Sampling and analysis of the final product shall be~~  
32 ~~conducted according to an appropriate sampling method~~  
33 ~~allowed by the department by regulation and the waste~~  
34 ~~extraction test (WET), as described in Appendix II of~~  
35 ~~Chapter 11 (commencing with Section 66261.1) of~~  
36 ~~Division 4.5 of Title 22 of the California Code of~~  
37 ~~Regulations.~~

38 ~~(II) When the recyclable material is being mixed with~~  
39 ~~other ingredients to produce a product, the~~  
40 ~~concentration of the hazardous constituents in the final~~



1 product shall be multiplied by the dilution factor  
2 inherent in combining the recyclable material with other  
3 materials. If the other ingredients mixed with the  
4 recyclable material do not contain hazardous waste, but  
5 do contain the same hazardous constituents which are  
6 also present in the recyclable material, the concentration  
7 of the hazardous constituents, as determined by the waste  
8 extraction test, in the other ingredients may be  
9 subtracted from the concentration of the hazardous  
10 constituent in the final product. The final calculation of  
11 the hazardous constituents present in the product, as  
12 determined by this paragraph, shall be less than the  
13 applicable soluble threshold limit concentration.

14 (ii) The recyclable material or product containing the  
15 recyclable material shall not contain constituents that  
16 cause the product to exhibit hazardous characteristics  
17 pursuant to Chapter 11 (commencing with Section  
18 66261.1) of Division 4.5 of Title 22 of the California Code  
19 of Regulations, other than those constituents that are also  
20 found in the same or greater concentrations in a  
21 comparable commercial product. If the hazardous  
22 constituents themselves are being recycled, and no  
23 comparable commercial product exists, the hazardous  
24 constituents in the product shall not exceed  
25 concentrations that are necessary to achieve the function  
26 of the product.

27 (iii) The recyclable material or a product containing  
28 the recyclable material shall be commercially available to  
29 the general public or shall be produced under  
30 government contract, such as paving material for state or  
31 county roads.

32 (iv) The recyclable material, either in whole or in part,  
33 is not produced from used oil.

34 (v) The recyclable material meets the applicable  
35 standards for building safety established under the  
36 California Building Standards Code pursuant to Part 2.5  
37 (commencing with Section 18901) of Division 13.

38 (vi) The information on the components of the  
39 recyclable material shall be communicated to the public



1 ~~or user pursuant to Section 5194 of Title 8 of the California~~  
2 ~~Code of Regulations.~~

3 ~~(vii) The recyclable material is not accumulated~~  
4 ~~speculatively, as defined in paragraph (8) of subsection~~  
5 ~~(b) of Section 261.1 of Title 40 of the Code of Federal~~  
6 ~~Regulations.~~

7 ~~(C) The department may adopt regulations to exclude~~  
8 ~~materials, other than those specified in subparagraph~~  
9 ~~(B), from regulation pursuant to subparagraph (A).~~

10 ~~(3) Materials burned for energy recovery, used to~~  
11 ~~produce a fuel, or contained in fuels, except materials~~  
12 ~~exempted under paragraph (1) of subdivision (e) or~~  
13 ~~excluded under subparagraph (B), (C), or (D) of~~  
14 ~~paragraph (2) of subdivision (d).~~

15 ~~(4) Materials accumulated speculatively.~~

16 ~~(5) Materials determined to be inherently wastelike~~  
17 ~~pursuant to regulations adopted by the department.~~

18 ~~(6) Used or spent etchants, stripping solutions, and~~  
19 ~~plating solutions, which are transported to an offsite~~  
20 ~~facility operated by a person other than the generator and~~  
21 ~~which are either of the following:~~

22 ~~(A) The etchants or solutions are no longer fit for their~~  
23 ~~originally purchased or manufactured purpose.~~

24 ~~(B) If the etchants or solutions are reused, the~~  
25 ~~generator and the user cannot document that they are~~  
26 ~~used for their originally purchased or manufactured~~  
27 ~~purpose without prior treatment.~~

28 ~~(7) Used oil, as defined in subdivision (a) of Section~~  
29 ~~25250.1, unless one of the following applies:~~

30 ~~(A) The used oil is excluded under subparagraph (B)~~  
31 ~~or (C) of paragraph (2) of subdivision (d), paragraph (4)~~  
32 ~~of subdivision (d), subdivision (e) of Section 25250.1,~~  
33 ~~Section 25250.2, or Section 25250.3, and is managed in~~  
34 ~~accordance with the applicable requirements of Part 279~~  
35 ~~(commencing with Section 279.1) of Title 40 of the Code~~  
36 ~~of Federal Regulations.~~

37 ~~(B) The used oil is used or reused on the site where it~~  
38 ~~was generated or is excluded under paragraph (3) of~~  
39 ~~subdivision (d), and is managed in accordance with the~~  
40 ~~applicable requirements of Part 279 (commencing with~~



1 ~~Section 279.1) of Title 40 of the Code of Federal~~  
2 ~~Regulations, and is not any of the following:~~

3 ~~(i) Used in a manner constituting disposal or used to~~  
4 ~~produce a product that is applied to land.~~

5 ~~(ii) Burned for energy recovery or used to produce a~~  
6 ~~fuel, unless the used oil is excluded under subparagraph~~  
7 ~~(B) or (C) of paragraph (2) of subdivision (d).~~

8 ~~(iii) Accumulated speculatively.~~

9 ~~(iv) Determined to be inherently wastelike pursuant~~  
10 ~~to regulations adopted by the department.~~

11 ~~(f) (1) Any person who manages a recyclable~~  
12 ~~material under a claim that the material qualifies for~~  
13 ~~exclusion or exemption pursuant to this section shall~~  
14 ~~provide, upon request, to the department, the~~  
15 ~~Environmental Protection Agency, or any local agency or~~  
16 ~~official authorized to bring an action as provided in~~  
17 ~~Section 25180, all of the following information:~~

18 ~~(A) The name, street and mailing address, and~~  
19 ~~telephone number of the owner or operator of any facility~~  
20 ~~that manages the material.~~

21 ~~(B) Any other information related to that person's~~  
22 ~~management of the material requested by the~~  
23 ~~department, the Environmental Protection Agency, or~~  
24 ~~the authorized local agency or official.~~

25 ~~(2) Any person claiming an exclusion or an exemption~~  
26 ~~shall maintain adequate records to demonstrate to the~~  
27 ~~satisfaction of the requesting agency or official that there~~  
28 ~~is a known market or disposition for the material, and that~~  
29 ~~the requirements of any exemption or exclusion pursuant~~  
30 ~~to this section are met.~~

31 ~~(3) For purposes of determining that the conditions~~  
32 ~~for exclusion from classification as a waste pursuant to this~~  
33 ~~section are met, any person, facility, site, or vehicle~~  
34 ~~engaged in the management of a material under a claim~~  
35 ~~that the material is excluded from classification as a waste~~  
36 ~~pursuant to this section shall be subject to Section 25185.~~

37 ~~(g) For purposes of Chapter 6.8 (commencing with~~  
38 ~~Section 25300), recyclable materials excluded from~~  
39 ~~classification as a waste pursuant to this section are not~~



1 ~~excluded from the definition of hazardous substances in~~  
2 ~~subdivision (g) of Section 25316.~~

3 ~~(h) Used oil that fails to qualify for exclusion pursuant~~  
4 ~~to subdivision (d), solely because the used oil is an RCRA~~  
5 ~~hazardous waste, may be managed pursuant to~~  
6 ~~subdivision (d) if the used oil is also managed in~~  
7 ~~accordance with the applicable requirements of Part 279~~  
8 ~~(commencing with Section 279.1) of Title 40 of the Code~~  
9 ~~of Federal Regulations.~~

10 ~~(i) The department shall not regulate, as a treatment~~  
11 ~~unit, a unit in which a material is managed pursuant to~~  
12 ~~subdivisions (b), (c), and (d), except in a unit in which~~  
13 ~~either of the following take place:~~

14 ~~(1) A material is recycled at an authorized offsite~~  
15 ~~hazardous waste facility.~~

16 ~~(2) Other hazardous wastes are being treated.~~

17 ~~SEC. 3. Section 25143.11 is added to the Health and~~  
18 ~~Safety Code, to read:~~

19 ~~25143.11. Notwithstanding any other provision of law,~~  
20 ~~this chapter does not apply to secondary materials that~~  
21 ~~are reclaimed and returned to the original process or~~  
22 ~~processes in which they were generated where they are~~  
23 ~~reused in the production process, subject to all of the~~  
24 ~~following:~~

25 ~~(a) Only tank storage is involved, and the entire~~  
26 ~~process through completion of reclamation is closed by~~  
27 ~~being entirely connected with pipes or other comparable~~  
28 ~~enclosed means of conveyances.~~

29 ~~(b) Reclamation does not involve controlled flame~~  
30 ~~combustion, such as occurs in boilers, industrial furnaces,~~  
31 ~~or incinerators.~~

32 ~~(c) The secondary materials are never accumulated in~~  
33 ~~the tanks for over 12 months without being reclaimed.~~

34 ~~(d) The reclaimed material is not used to produce a~~  
35 ~~fuel or used to produce products that are used in a~~  
36 ~~manner constituting disposal.~~

37 ~~SEC. 4. Section 25201.5 of the Health and Safety Code~~  
38 ~~is amended to read:~~

39 ~~25201.5. (a) Notwithstanding any other provision of~~  
40 ~~law, a hazardous waste facility permit is not required for~~



1 a generator who treats hazardous waste of a total weight  
2 of not more than 500 pounds, or a total volume of not more  
3 than 55 gallons, in any calendar month, if both of the  
4 following conditions are met:

5 (1) The hazardous waste is not an extremely  
6 hazardous waste and is listed in Section 67450.11 of Title  
7 22 of the California Code of Regulations, as in effect on  
8 January 1, 1992, as eligible for treatment pursuant to the  
9 regulations adopted by the department for operation  
10 under a permit-by-rule and the treatment technology  
11 used is approved for that waste stream in Section 67450.11  
12 of Title 22 of the California Code of Regulations for  
13 treatment under a permit-by-rule.

14 (2) The generator is not otherwise required to obtain  
15 a hazardous waste facility permit or other grant of  
16 authorization for any other hazardous waste  
17 management activity at the facility.

18 (b) Notwithstanding any other provision of law,  
19 treatment in the following units is ineligible for  
20 exemption pursuant to subdivision (a) or (c):

21 (1) Landfills.

22 (2) Surface impoundments.

23 (3) Injection wells.

24 (4) Waste piles.

25 (5) Land treatment units.

26 (6) Thermal destruction units.

27 (c) Notwithstanding any other provision of law, a  
28 hazardous waste facility permit or other grant of  
29 authorization is not required to conduct the following  
30 treatment activities, if the generator treats the following  
31 hazardous waste streams using the treatment technology  
32 required by this subdivision:

33 (1) The generator treats resins mixed in accordance  
34 with the manufacturer's instructions.

35 (2) The generator treats a container of 110 gallons or  
36 less capacity, which is not constructed of wood, paper,  
37 cardboard, fabric, or any other similar absorptive  
38 material, for the purposes of emptying the container as  
39 specified by Section 66261.7 of Title 22 of the California  
40 Code of Regulations, as revised July 1, 1990, or treats the



1 ~~inner liners removed from empty containers that once~~  
2 ~~held hazardous waste or hazardous material. The~~  
3 ~~generator shall treat the container or inner liner by using~~  
4 ~~the following technologies, if the treated containers and~~  
5 ~~rinseate are managed in compliance with the applicable~~  
6 ~~requirements of this chapter:~~

7 ~~(A) The generator rinses the container or inner liner~~  
8 ~~with a suitable liquid capable of dissolving or removing~~  
9 ~~the hazardous constituents which the container held.~~

10 ~~(B) The generator uses physical processes, such as~~  
11 ~~crushing, shredding, grinding, or puncturing, that change~~  
12 ~~only the physical properties of the container or inner~~  
13 ~~liner, if the container or inner liner is first rinsed as~~  
14 ~~provided in subparagraph (A) and the rinseate is~~  
15 ~~removed from the container or inner liner.~~

16 ~~(3) The generator conducts drying by pressing or by~~  
17 ~~passive or heat-aided evaporation to remove water from~~  
18 ~~wastes classified as special wastes by the department~~  
19 ~~pursuant to Section 66261.124 of Title 22 of the California~~  
20 ~~Code of Regulations.~~

21 ~~(4) The generator conducts magnetic separation or~~  
22 ~~screening to remove components from wastes classified~~  
23 ~~as special wastes by the department pursuant to Section~~  
24 ~~66261.124 of Title 22 of the California Code of Regulations.~~

25 ~~(5) The generator processes effluent hazardous waste~~  
26 ~~for disposal from the processing of silver halide-based~~  
27 ~~imaging products, if all of the following conditions are~~  
28 ~~met:~~

29 ~~(A) The effluent is a hazardous waste solely due to its~~  
30 ~~silver content.~~

31 ~~(B) The effluent is treated within 90 days of its~~  
32 ~~generation.~~

33 ~~(C) The effluent is treated in a tank or container.~~

34 ~~(D) The total influent hazardous waste stream treated~~  
35 ~~does not exceed 500 gallons in any calendar month.~~

36 ~~(E) The effluent is treated with a technology or~~  
37 ~~combination of technologies which recover the silver to~~  
38 ~~a level less than 5 mg/l total silver in the final wastewater~~  
39 ~~discharge, or a lower level as may be set by the local~~  
40 ~~publicly owned treatment works.~~



1 ~~(6) Except as provided for specific waste streams in~~  
2 ~~Section 25200.3, the generator conducts the separation by~~  
3 ~~gravity of the following, if the activity is conducted in~~  
4 ~~impervious tanks or containers constructed of~~  
5 ~~noncorrosive materials, the activity does not involve the~~  
6 ~~addition of heat or other form of treatment, or the~~  
7 ~~addition of chemicals other than flocculants and~~  
8 ~~demulsifiers, and the activity is managed in compliance~~  
9 ~~with applicable requirements of federal, state, or local~~  
10 ~~agency or treatment works:~~

11 ~~(A) The settling of solids from waste where the~~  
12 ~~resulting aqueous stream is not hazardous.~~

13 ~~(B) The separation of oil/water mixtures and~~  
14 ~~separation sludges, if the average oil recovered per~~  
15 ~~month is less than 25 barrels.~~

16 ~~(7) The hazardous waste treatment is carried out in a~~  
17 ~~quality control or quality assurance laboratory at a facility~~  
18 ~~that is not an offsite hazardous waste facility and the~~  
19 ~~treatment activity otherwise meet the requirements of~~  
20 ~~paragraph (1) of subdivision (a).~~

21 ~~(8) Any wastestream technology combination~~  
22 ~~certified by the department, pursuant to Section~~  
23 ~~25200.1.5, as suitable for authorization pursuant to this~~  
24 ~~section, that operates pursuant to the conditions imposed~~  
25 ~~on that certification.~~

26 ~~(9) The generator uses any technology that is certified~~  
27 ~~by the department pursuant to Section 25200.1.5. as~~  
28 ~~effective for the treatment of formaldehyde or~~  
29 ~~glutaraldehyde solutions used in health care facilities that~~  
30 ~~are operated pursuant to the conditions imposed on the~~  
31 ~~certification and which makes the operation appropriate~~  
32 ~~to this tier. The technology may be certified using a pilot~~  
33 ~~certification process until the department adopts~~  
34 ~~regulations pursuant to Section 25200.1.5. This paragraph~~  
35 ~~shall be operative only until April 11, 1996.~~

36 ~~(d) A generator conducting treatment pursuant to~~  
37 ~~subdivision (a) or (e) shall meet all of the following~~  
38 ~~conditions:~~

39 ~~(1) The waste being treated is generated onsite, and a~~  
40 ~~residual material from the treatment of a hazardous~~



1 ~~waste generated offsite is not a waste that has been~~  
2 ~~generated onsite.~~

3 ~~(2) The treatment does not require a hazardous waste~~  
4 ~~facilities permit pursuant to the federal act.~~

5 ~~(3) The generator prepares and maintains written~~  
6 ~~operating instructions and a record of the dates, amounts,~~  
7 ~~and types of waste treated.~~

8 ~~(4) The generator prepares and maintains a written~~  
9 ~~inspection schedule and log of inspections conducted.~~

10 ~~(5) The records specified in paragraphs (3) and (4)~~  
11 ~~are maintained onsite for a period of three years.~~

12 ~~(6) The generator maintains adequate records to~~  
13 ~~demonstrate that it is in compliance with all applicable~~  
14 ~~pretreatment standards and with all applicable industrial~~  
15 ~~waste discharge requirements issued by the agency~~  
16 ~~operating the publicly owned treatment works into~~  
17 ~~which the wastes are discharged.~~

18 ~~(7) (A) Not more than 60 days before commencing~~  
19 ~~the first treatment of waste pursuant to this section, the~~  
20 ~~generator submits a notification to the department and to~~  
21 ~~the local health officer or other local public officer~~  
22 ~~authorized to implement this chapter pursuant to Section~~  
23 ~~25180. The notification shall be completed, dated, and~~  
24 ~~signed in accordance with the requirements of Section~~  
25 ~~66270.11 of Title 22 of the California Code of Regulations,~~  
26 ~~as those requirements apply to permit applications, shall~~  
27 ~~be on a form prescribed by the department, and shall~~  
28 ~~include, but not be limited to, all of the following~~  
29 ~~information:~~

30 ~~(i) The name, identification number, site address,~~  
31 ~~mailing address, and telephone number of the generator~~  
32 ~~to whom the conditional exemption applies.~~

33 ~~(ii) A description of the physical characteristics and~~  
34 ~~chemical composition of the hazardous waste to which~~  
35 ~~the conditional exemption applies.~~

36 ~~(iii) A description of the hazardous waste treatment~~  
37 ~~activity to which the conditional exemption applies,~~  
38 ~~including, but not limited to, the basis for determining~~  
39 ~~that a hazardous waste permit is not required under the~~  
40 ~~federal act.~~



1 ~~(iv) A description of the characteristics and~~  
2 ~~management of any treatment residuals.~~

3 ~~(v) A description of the hazardous waste storage tanks~~  
4 ~~as described in subdivision (i).~~

5 ~~(B) The development and publication of the~~  
6 ~~notification form specified in subparagraph (A) is not~~  
7 ~~subject to Chapter 3.5 (commencing with Section 11340)~~  
8 ~~of Part 1 of Division 3 of Title 2 of the Government Code.~~  
9 ~~The department shall hold at least one public workshop~~  
10 ~~concerning the development of the notification form.~~

11 ~~(C) Any notification submitted pursuant to this~~  
12 ~~paragraph shall supersede any prior notice of intent~~  
13 ~~submitted by the same generator in order to obtain a~~  
14 ~~permit-by-rule under the regulations adopted by the~~  
15 ~~department. This subparagraph does not require the~~  
16 ~~department to refund any fees paid for any application in~~  
17 ~~conjunction with the submission of a notice of intent for~~  
18 ~~a permit-by-rule.~~

19 ~~(8) (A) Upon terminating operation of any treatment~~  
20 ~~process or unit exempted pursuant to this section, the~~  
21 ~~generator who conducted the treatment shall remove or~~  
22 ~~decontaminate all waste residues, containment system~~  
23 ~~components, soils, and other structures or equipment~~  
24 ~~contaminated with hazardous waste from the unit. The~~  
25 ~~removal of the unit from services shall be conducted in a~~  
26 ~~manner that does both of the following:~~

27 ~~(i) Minimizes the need for further maintenance.~~

28 ~~(ii) Eliminates the escape of hazardous waste,~~  
29 ~~hazardous constituents, leachate, contaminated runoff, or~~  
30 ~~waste decomposition products to the environment after~~  
31 ~~treatment process is no longer in operation.~~

32 ~~(B) Any owner or operator who permanently ceases~~  
33 ~~operation of a treatment process or unit that is~~  
34 ~~conditionally exempted pursuant to this section shall~~  
35 ~~provide written notification to the department and to the~~  
36 ~~local health officer or other local public officer designated~~  
37 ~~by the director pursuant to Section 25180 upon~~  
38 ~~completion of all activities required under this~~  
39 ~~subdivision.~~



1 ~~(9) The waste is managed in accordance with all~~  
2 ~~applicable requirements for generators of hazardous~~  
3 ~~waste under this chapter and the regulations adopted by~~  
4 ~~the department pursuant to this chapter.~~

5 ~~(10) The generator submits a fee in the amount~~  
6 ~~required by Section 25205.14. The generator shall submit~~  
7 ~~that fee within 30 days of the date that the fee is assessed~~  
8 ~~by the State Board of Equalization, in the manner~~  
9 ~~specified by Section 43152.10 of the Revenue and~~  
10 ~~Taxation Code.~~

11 ~~(11) Notwithstanding any other provision of law, the~~  
12 ~~generator shall submit the fee required by Section~~  
13 ~~25205.14 for the 1993 reporting period to the department~~  
14 ~~as part of, and at the same time as, the notification~~  
15 ~~required pursuant to paragraph (7) that is due on April~~  
16 ~~1, 1993. Any notification not accompanied by payment of~~  
17 ~~the fee is invalid and shall not result in a grant of~~  
18 ~~conditional exemption.~~

19 ~~(e) (1) Unless otherwise required by federal law,~~  
20 ~~ancillary equipment for a tank or container treating~~  
21 ~~hazardous wastes solely pursuant to this section, is not~~  
22 ~~subject to Section 66265.193 of Title 22 of the California~~  
23 ~~Code of Regulations, if the ancillary equipment's~~  
24 ~~integrity is attested to pursuant to Section 62265.191 of~~  
25 ~~Title 22 of the California Code of Regulations every two~~  
26 ~~years from the date that retrofitting requirements would~~  
27 ~~otherwise apply.~~

28 ~~(2) (A) The Legislature hereby finds and declares~~  
29 ~~that, in the case of underground, gravity pressured sewer~~  
30 ~~systems, integrity testing is often not feasible.~~

31 ~~(B) The department shall, by regulation, determine~~  
32 ~~the best feasible leak detection measures which are~~  
33 ~~sufficient to ensure that underground gravity pressured~~  
34 ~~sewer systems, for which it is not feasible to conduct~~  
35 ~~integrity testing, do not leak.~~

36 ~~(C) If it is not feasible for an operator's ancillary~~  
37 ~~equipment, or a portion thereof, to undergo integrity~~  
38 ~~testing, the operator is not subject to Section 66265.193 of~~  
39 ~~Title 22 of the California Code of Regulations, if the~~  
40 ~~operator implements the best feasible leak detection~~



1 ~~measures that are determined to be sufficient by the~~  
2 ~~department in those regulations, and those leak detection~~  
3 ~~measures do not reveal any leaks emanating from the~~  
4 ~~operator's ancillary equipment. Any ancillary equipment~~  
5 ~~found to leak shall be retrofitted by the operator to meet~~  
6 ~~the full secondary containment standards of Section~~  
7 ~~66265.196 of Title 22 of the California Code of Regulations.~~

8 (f) ~~Nothing in this section shall abridge any authority~~  
9 ~~granted to the department by any other provision of law~~  
10 ~~to impose any further restrictions or limitations upon~~  
11 ~~facilities subject to this section, that the department~~  
12 ~~determines to be necessary to protect human health or~~  
13 ~~the environment.~~

14 (g) ~~A generator who would otherwise be subject to~~  
15 ~~this section may contract with the operator of a~~  
16 ~~transportable treatment unit who is operating pursuant~~  
17 ~~to this section to treat the generator's waste. If treatment~~  
18 ~~of the generator's waste takes place under such a~~  
19 ~~contract, the generator is not otherwise subject to the~~  
20 ~~requirements of this section, but shall comply with all~~  
21 ~~other requirements of this chapter that apply to~~  
22 ~~generators. The operator of the transportable treatment~~  
23 ~~unit shall comply with all of the applicable requirements~~  
24 ~~of this section and, for purposes of this section, the~~  
25 ~~operator of the transportable treatment unit shall be~~  
26 ~~deemed to be the generator.~~

27 (h) ~~A generator conducting activities which are~~  
28 ~~exempt from this chapter pursuant to Section 66261.7 of~~  
29 ~~Title 22 of the California Code of Regulations, as that~~  
30 ~~section read on January 1, 1993, is not required to comply~~  
31 ~~with this section.~~

32 (i) ~~Notwithstanding paragraph (2) of subdivision (b)~~  
33 ~~of Section 25123.3, a tank used for the purpose of storing~~  
34 ~~hazardous waste which is treated onsite in accordance~~  
35 ~~with this section is not a storage facility for purposes of~~  
36 ~~Section 25123.3, but the hazardous waste shall be subject~~  
37 ~~to all of the applicable requirements of this section.~~

38 ~~SEC. 5. Section 25201.13 of the Health and Safety~~  
39 ~~Code is amended to read:~~



1 ~~25201.13. (a) The Legislature hereby finds and~~  
2 ~~declares that demineralization of water is a standard~~  
3 ~~industrial water purification process used by utilities and~~  
4 ~~industry. The regeneration and recycling of ion exchange~~  
5 ~~media used to demineralize water is a continuous, onsite,~~  
6 ~~totally enclosed, automated process, which is exempt~~  
7 ~~from federal permitting requirements. The conditions set~~  
8 ~~forth in subdivision (d) of Section 25201.5 are important~~  
9 ~~to protect the environment by ensuring notification~~  
10 ~~before treatment begins, written operating instructions,~~  
11 ~~inspections, compliance with pretreatment standards,~~  
12 ~~cleanup of terminated units, and recordkeeping to~~  
13 ~~demonstrate compliance. However, those conditions are~~  
14 ~~inapplicable to demineralization units because of the~~  
15 ~~enclosed, automated, continuous technology involved,~~  
16 ~~the very brief period in which treatment occurs, and the~~  
17 ~~lack of any waste residue. An exemption from Section~~  
18 ~~25201.5 is therefore appropriate.~~

19 ~~(b) An owner or operator of an elementary~~  
20 ~~neutralization unit, as defined in Section 66260.10 of Title~~  
21 ~~22 of the California Code of Regulations, and any storage~~  
22 ~~tank not regulated under the federal act which is an~~  
23 ~~integral part of the demineralizer operation, that~~  
24 ~~neutralizes wastes which are hazardous solely due to~~  
25 ~~corrosivity or toxicity that results only from the acidic or~~  
26 ~~alkaline material, is exempt from this article, including~~  
27 ~~the requirement of obtaining a hazardous waste facilities~~  
28 ~~permit or other grant of authorization from the~~  
29 ~~department, if the wastes result solely from the~~  
30 ~~regeneration of ion exchange media used to demineralize~~  
31 ~~water, do not contain more than 10 percent acid or base~~  
32 ~~concentration by weight, and are treated in vessels and~~  
33 ~~pipng constructed of materials that are compatible with~~  
34 ~~the range of temperatures and pH levels, and subject to~~  
35 ~~appropriate pH and temperature controls.~~

36 ~~(c) An owner or operator of an elementary~~  
37 ~~neutralization unit, as defined in Section 66260.10 of Title~~  
38 ~~22 of the California Code of Regulations, is exempt from~~  
39 ~~this article, including the requirement of obtaining a~~  
40 ~~hazardous waste facilities permit or other grant of~~



1 authorization from the department, if the wastes that are  
2 treated in the unit are treated in vessels and piping  
3 constructed of materials that are compatible with the  
4 range of temperatures and pH levels of that treatment  
5 and one of the following applies:

6 (1) The owner or operator neutralizes acidic wastes  
7 which are hazardous solely due to corrosivity resulting  
8 from the presence of food or food byproducts, and  
9 alkaline or acidic waste, other than wastes containing  
10 nitric acid, at SIC Code Group 20, food and kindred  
11 product facilities, as defined in subdivision (p) of Section  
12 25501, if both of the following conditions are met:

13 (A) The neutralization process does not result in the  
14 emission of volatile hazardous waste constituents or toxic  
15 air contaminants.

16 (B) The neutralization process is required in order to  
17 meet discharge or other regulatory requirements.

18 (2) The owner or operator is a laboratory which is  
19 certified by the State Department of Health Services or  
20 operated by an educational institution, and treats  
21 wastewater generated onsite solely as a result of analytical  
22 testing, or is a laboratory which treats less than one gallon  
23 of hazardous waste, which is generated onsite, in any  
24 single batch, subject to the following:

25 (A) The wastewater treated is hazardous solely due to  
26 corrosivity or toxicity that results only from the acidic or  
27 alkaline material, as defined in Section 66260.10 of Title  
28 22 of the California Code of Regulations, or is excluded  
29 from the definition of hazardous waste by subparagraph  
30 (E) of paragraph (2) of subsection (a) of Section 66261.3  
31 of Title 22 of the California Code of Regulations, or both.

32 (B) The treatment meets all of the following  
33 requirements, in addition to all other requirements of this  
34 section:

35 (i) The treatment complies with all applicable  
36 pretreatment requirements.

37 (ii) Neutralization occurs in elementary  
38 neutralization units, wastes to be neutralized do not  
39 contain any more than 10 percent acid or base  
40 concentration by weight, or any other concentration limit



1 ~~which may be imposed by the department, and vessels~~  
2 ~~and piping for neutralization are constructed of materials~~  
3 ~~that are compatible with the range of temperatures and~~  
4 ~~pH levels, and subject to appropriate pH temperature~~  
5 ~~controls.~~

6 ~~(iii) Treatment does not result in the emission of~~  
7 ~~volatile hazardous waste constituents or toxic air~~  
8 ~~contaminants.~~

9 ~~(3) The owner or operator neutralizes acidic or~~  
10 ~~alkaline wastes in batches that are not larger than 55~~  
11 ~~gallons in volume.~~

12 ~~(4) The owner or operator neutralizes acidic or~~  
13 ~~alkaline wastes of an elementary neutralization unit that~~  
14 ~~meets all of the following requirements:~~

15 ~~(A) The systems for adding and mixing the corrosive~~  
16 ~~waste and the neutralizing solution are automatically~~  
17 ~~controlled.~~

18 ~~(B) The pressure and temperature of the unit is~~  
19 ~~continuously monitored and fed back into the automatic~~  
20 ~~control system.~~

21 ~~(C) The unit is designed to automatically shut down if~~  
22 ~~the automatic control system or the monitoring system~~  
23 ~~fail.~~

24 ~~SEC. 6.—~~

25 ~~SEC. 2. Section 25201.14 is added to the Health and~~  
26 ~~Safety Code, to read:~~

27 ~~25201.14. (a) To the extent consistent with the~~  
28 ~~federal act, the following activities are exempt from this~~  
29 ~~article, including the requirements of obtaining a~~  
30 ~~hazardous waste facilities permit or other grant of~~  
31 ~~authorization from the department, if the activity is~~  
32 ~~conducted at the site where the material was generated~~  
33 ~~and the management of the waste meets the~~  
34 ~~requirements of subdivisions (a) to (d), inclusive, (b),~~  
35 ~~(c), and (d) of Section 25143.9:~~

36 ~~(1) Puncturing, draining, or crushing of aerosol cans,~~  
37 ~~at ambient temperature, using equipment which is~~  
38 ~~subject to both of the following:~~

39 ~~(A) The equipment used is designed to capture the~~  
40 ~~gaseous and liquid contents of the cans, prevent fire and~~



1 ~~explosion, and minimize worker cans, prevent fire,~~  
2 ~~explosion, and unauthorized releases of hazardous~~  
3 ~~constituents, and prevent worker exposure to hazardous~~  
4 ~~materials released from the cans, the equipment meet the~~  
5 ~~factory mutual standards or testing by Underwriter's~~  
6 ~~Laboratory, or is approved by the department for this use,~~  
7 ~~and the aerosol cans are~~ and is certified by the  
8 department for use in compliance with this section  
9 pursuant to Section 25200.1.5. The department shall  
10 approve or deny an application for certification of the  
11 equipment within 180 days from the date of receipt of the  
12 application and determining it to be complete.

13 (B) The aerosol cans are recycled as scrap metal.

14 (2) Except as provided in subdivision (b), the  
15 separation of used oil from water, if all other applicable  
16 laws and regulations are met, the used oil is properly  
17 transported to an authorized oil recycler, and the  
18 separation is accomplished by using one of the following  
19 methods:

20 (A) Gravity separation.

21 (B) ~~An oil water separator~~ A centrifuge.

22 (C) Membrane technology.

23 (D) Heating of the water containing the used oil to a  
24 ~~temperature of less than 185 degrees Fahrenheit at~~  
25 ~~temperature that is not more than 20 degrees Fahrenheit~~  
26 ~~below the flashpoint of the used oil component of the~~  
27 ~~mixture at atmospheric pressure.~~

28 (E) The addition of demulsifiers to the water  
29 containing the used oil.

30 (3) The operation of a totally enclosed treatment  
31 ~~activity facility~~ facility, as defined in Section 66260.10 of Title 22  
32 of the California Code of Regulations, when authorized  
33 by regulations adopted by the department. The  
34 department shall, on or before January 1, 1997, adopt  
35 regulations pursuant to Chapter 3.5 (commencing with  
36 Section 11340) of Part 1 of Division 3 of Title 2 of the  
37 Government Code exempting this type of facility from  
38 this article to the extent that the department determines  
39 that the exemption is consistent with the protection of  
40 public health, safety, and the environment.



1 (b) For purposes of paragraph (2) of subdivision (a),  
2 the separation of used oil from water does not include a  
3 method using any of the following:

4 (1) Contaminated groundwater.

5 (2) Water containing any measurable amount of  
6 gasoline or more than 2 percent of a combination of  
7 Number 1 or Number 2 diesel fuel.

8 (3) Used oil and water which contain other  
9 constituents which render the material hazardous under  
10 the regulations adopted pursuant to Section 25140 and  
11 25141.

12 ~~(4) The flash point of the water and the used oil~~  
13 ~~mixture is less than 200 degrees Fahrenheit.~~

14 ~~(c) The owner or operator of an activity exempted~~  
15 ~~pursuant to subdivision (a), shall, on or before~~  
16 ~~commencing operations pursuant to this section, and,~~  
17 ~~after July 1, 1996, once every two years thereafter,~~  
18 ~~provide to the local health officer or local public officer~~  
19 ~~authorized to implement this chapter pursuant to Section~~  
20 ~~25180, or to the certified unified program agency, all of~~  
21 ~~the following information, in writing, using the format~~  
22 ~~established pursuant to subdivision (e):~~

23 ~~(1) The name, site address, mailing address, and~~  
24 ~~telephone number of the owner or operator of any facility~~  
25 ~~performing an activity pursuant to this section.~~

26 ~~(2) Documentation that the applicable requirements~~  
27 ~~of this section are met. These documents shall include~~  
28 ~~appropriate testing to demonstrate compliance with~~  
29 ~~subdivision (b) and shall be retained by the facility for at~~  
30 ~~least three years.~~

31 ~~(d) An owner or operator conducting an activity~~  
32 ~~exempted pursuant to subdivision (a) which, as of~~  
33 ~~January 1, 1996, is being conducted pursuant to a~~  
34 ~~hazardous waste facilities permit or other grant of~~  
35 ~~authorization from the department shall, on or before~~  
36 ~~commencement of operation pursuant to this section,~~  
37 ~~notify the department in writing, using the format~~  
38 ~~established by the department, of the intent to conduct~~  
39 ~~these activities pursuant to this section. The owner or~~  
40 ~~operator shall submit a one-time fee, equal in amount to~~



1 the fee established by Section 25205.14 for the 1993 report  
2 period, to the department as part of, and at the same time  
3 as, the notification required pursuant to this subdivision.  
4 Any notification not accompanied by payment of the fee  
5 is invalid and shall not result in a grant of exemption  
6 pursuant to this section.

7 (e) The person providing the information required by  
8 subdivision (e) shall use a format developed by the  
9 California Conference of Directors of Environmental  
10 Health in consultation with the department. The  
11 department shall distribute the format to local health  
12 officers, local public officers authorized to implement this  
13 chapter pursuant to Section 25180, and certified unified  
14 program agencies.

15 (f) A state or local agency inspecting a generator  
16 pursuant to Section 25201.4 who is conducting activities  
17 exempted pursuant to this section shall inspect those  
18 activities to ensure compliance with this section.

19 (g) If an owner or operator conducting activities  
20 exempted pursuant to this section intends to discharge  
21 the recovered water to a publicly owned treatment  
22 works, the owner or operator shall notify the publicly  
23 owned treatment works of the oil water separation  
24 activity and shall obtain an industrial waste discharge  
25 permit prior to the discharge.

26 ~~SEC. 7.—~~

27 (c) A generator operating pursuant to subdivision (a)  
28 shall meet all of the following conditions:

29 (1) The generator complies with the conditions of  
30 subdivisions (d) and (e) of Section 25201.5.

31 (2) The generator submits a notification that is in  
32 compliance with paragraph (7) of subdivision (d) of  
33 Section 25201.5 on or before April 1, 1996, or if the  
34 generator is commencing the first treatment of waste  
35 pursuant to this section, not less than 60 days prior to the  
36 date of commencing treatment of that waste pursuant to  
37 this section. Upon demonstration of good cause by the  
38 generator, the department may allow a shorter time  
39 period that 60 days between notification and  
40 commencement of hazardous waste treatment pursuant



1 to this section. The generator shall be in compliance with  
2 all other notification requirements of subdivision (d) of  
3 Section 25201.5.

4 (3) The generator maintains adequate records to  
5 demonstrate that the requirements and conditions of this  
6 section are met, including appropriate waste sampling  
7 and analysis records, to demonstrate that none of the  
8 water and used oil mixtures listed in subdivision (b) are  
9 treated pursuant to this section. All records required  
10 pursuant to this paragraph and subdivision (d) of Section  
11 25201.5 shall be maintained onsite for a period of at least  
12 three years.

13 (4) Except as provided in Section 25404.5, the  
14 generator submits a one-time fee in the amount required  
15 by Section 25205.14 for the 1993 reporting period to the  
16 department as part of the notification required by  
17 paragraph (2), and at the same time that notification is  
18 submitted, unless the generator is subject to a fee under  
19 a permit-by-rule or a grant of conditional authorization  
20 pursuant to Section 25200.3.

21 (5) (A) If the generator is conducting treatment  
22 pursuant to paragraph (2) of subdivision (a), the  
23 generator complies with the Phase I environmental  
24 assessment requirements of Section 25200.14, except for  
25 subdivisions (d), (f), and (g) of Section 25200.14.

26 (B) A generator conducting treatment pursuant to  
27 paragraph (2) of subdivision (a) shall not be required to  
28 conduct any site investigations, beyond that required by  
29 subparagraph (A), or to initiate remediation activities  
30 until the department adopts regulations specifying the  
31 criteria and procedures for corrective action at  
32 non-RCRA facilities.

33 (C) This paragraph does not limit the authority of the  
34 department, a local health officer authorized pursuant to  
35 Section 25187.7, or a unified program agency approved  
36 pursuant to Section 25404.1, to order corrective action  
37 pursuant to Section 25187.

38 SEC. 3. No reimbursement is required by this act  
39 pursuant to Section 6 of Article XIII B of the California  
40 Constitution because the only costs that may be incurred



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

8 Notwithstanding Section 17580 of the Government  
9 Code, unless otherwise specified, the provisions of this act  
10 shall become operative on the same date that the act  
11 takes effect pursuant to the California Constitution.

