

## Senate Bill No. 364

### CHAPTER 195

An act to amend Sections 25218.4 and 25218.5 of the Health and Safety Code, relating to hazardous waste.

[Approved by Governor July 30, 1995. Filed with Secretary of State July 31, 1995.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 364, Wright. Household hazardous waste collection.

(1) Existing law exempts a person transporting household hazardous waste and a conditionally exempt small quantity generator (CESQG) transporting hazardous waste to an authorized household hazardous waste collection facility from the requirements of registration as a hazardous waste transporter and possession of a manifest, if specified requirements are met. Hazardous waste transported to a household hazardous waste collection facility is required to be transported by the individual or CESQG who generated the waste, a curbside household hazardous waste collection program, a door-to-door household hazardous waste collection program, or a household hazardous waste residential pickup service.

Existing law prohibits the contents of any single container from exceeding 5 gallons when household hazardous waste is transported to a recycle-only household hazardous waste collection facility. A violation of the requirements concerning household hazardous waste is a crime.

This bill would additionally allow a mobile household hazardous waste collection facility, temporary household hazardous waste collection facility, or a recycle-only household hazardous waste facility to transport hazardous waste to a household hazardous waste collection facility.

The bill would delete the prohibition that the contents of a single container may not exceed 5 gallons, with regard to the transportation of hazardous waste to a recycle-only facility.

The bill would also require a mobile household hazardous waste collection facility, a temporary household hazardous waste collection facility, or a recycle-only household hazardous waste collection facility that transports household hazardous waste from the collection facility to a household hazardous waste collection facility to comply with the requirements of registration as a hazardous waste transporter and possession of a manifest. Since violation of that requirement would be a crime, the bill would impose a state-mandated local program by creating a new crime.

(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.

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

SECTION 1. Section 25218.4 of the Health and Safety Code is amended to read:

25218.4. Except as provided in subdivision (f) of Section 25218.5, any person who transports household hazardous waste, and any CESQG that transports hazardous waste to an authorized household hazardous waste collection facility, who meets the conditions of Section 25218.5, is exempt from subdivisions (a) and (c) of Section 25163 and from the requirement for possession of a manifest in paragraph (1) of subdivision (d) of Section 25160.

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

25218.5. (a) Hazardous waste transported to a household hazardous waste collection facility shall be transported by the individual or CESQG who generated the waste, a curbside household hazardous waste collection program, a door-to-door household hazardous waste collection program, a household hazardous waste residential pickup service, a mobile household hazardous waste collection facility, a temporary household hazardous waste collection facility, or a recycle-only household hazardous waste facility.

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

(1) The total amount of household hazardous waste or hazardous waste transported to a household hazardous waste collection facility by either the person or a CESQG shall not exceed a total liquid volume of five gallons or a total dry weight of 50 pounds. If the hazardous waste transported is both liquid and nonliquid, the total amount transported shall not exceed a combined weight of 50 pounds.

(2) The household hazardous waste and CESQG hazardous waste which is transported shall be in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.

(3) Different household hazardous wastes or different CESQG hazardous wastes shall not be mixed within a container before or during transport.



(4) If the hazardous waste is an extremely hazardous waste or an acutely hazardous waste, the total amount transported by a CESQG shall not exceed 2.2 pounds.

(c) The total combined volume or weight of latex paint, used oil filters, antifreeze, and small batteries transported to a recycle-only household hazardous waste collection facility by any one individual shall not exceed a total volume of 10 gallons or a total dry weight of 100 pounds. Up to two spent lead-acid batteries may be transported at the same time and not more than 20 gallons of used oil may be transported in the same vehicle if the volume of each individual container does not exceed five gallons.

(d) A curbside household hazardous waste collection program shall meet all of the following conditions:

(1) Not more than a total combined weight of 10 pounds of used oil filters and small batteries shall be collected from a single residence at one time.

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

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

(4) Spent lead-acid batteries and antifreeze shall not be collected by curbside household hazardous waste collection programs.

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

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

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

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

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

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



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

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

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

