

AMENDED IN SENATE JULY 6, 1999
AMENDED IN ASSEMBLY APRIL 27, 1999
CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 970

Introduced by Assembly Member Ducheny

February 25, 1999

An act to add Section 25201.16 to the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 970, as amended, Ducheny. Hazardous waste treatment: elementary neutralization.

Existing law requires hazardous waste facilities, including, but not limited to, treatment facilities, to operate under hazardous waste facilities permits or other grants of authorization issued by the Department of Toxic Substances Control. Existing law exempts, from hazardous waste facilities requirements, an owner and operator of an elementary neutralization unit that neutralizes specified wastewaters that are hazardous solely due to corrosivity or toxicity that results only from certain alkaline or acidic materials.

This bill would additionally exempt, from the requirement to obtain a waste facilities permit from the department, a generator who treats hazardous waste in an elementary neutralization unit, if the hazardous waste is hazardous solely due to *corrosivity or toxicity that results only from the* acidic or alkaline materials and does not contain more than 10%, by



weight, of acidic or alkaline constituents, and if the treatment meets other specified requirements. *The bill would also exempt an owner or operator of a wastewater elementary neutralization unit from the requirements of the hazardous waste control laws, that regulates generators, tanks, and tank systems, and the hazardous waste facilities permit requirements, if the owner or operator treats certain waste waters generated as the result of a process upset or other abnormal condition and complies with specified notification requirements.*

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

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

1 SECTION 1. Section 25201.16 is added to the Health
2 and Safety Code, to read:

3 25201.16. (a) A generator who treats hazardous
4 waste that is hazardous solely due to *corrosivity or toxicity*
5 *that results only from the* acidic or alkaline materials and
6 that does not contain more than 10 percent, by weight, of
7 ~~acid~~ *acidic* or alkaline constituents, is exempt from the
8 requirement to obtain a hazardous waste facilities permit
9 from the department, with regard to that treatment, if
10 the generator meets all of the conditions specified in
11 subdivision (d) of Section 25201.5 and the treatment
12 meets all of the following requirements:

13 (1) The treatment occurs in an elementary
14 neutralization unit, as defined in Section 66260.10 of Title
15 22 of the California Code of Regulations, or any successor
16 regulation.

17 (2) The ~~generator determines that the~~ elementary
18 neutralization process will not raise the temperature of
19 the hazardous waste to within 10 degrees of the boiling
20 point or cause the release of hazardous gaseous emissions,
21 *the generator documents this fact through laboratory*
22 *analysis or scientific calculations*, and includes these
23 calculations in the notice required by paragraph (7) of
24 subdivision (d) of Section 25201.5.



1 (3) The hazardous waste is not diluted for the sole
2 purpose of meeting the requirement that it not contain
3 more than 10 percent, by weight, of ~~acid~~ acidic or alkaline
4 constituents.

5 (4) The temperature of any unit, which is 100 gallons
6 or larger, is automatically monitored and fitted with a
7 high temperature alarm system.

8 (5) If the elementary neutralization unit is a closed
9 system, the unit automatically controls the adding and
10 mixing of corrosive and neutralizing solutions.

11 (6) After neutralization, the wastewaters do not
12 exhibit the characteristic of corrosivity, as described in
13 Section 66261.22 of Title 22 of the California Code of
14 Regulations, or any successor regulation.

15 ~~(b)~~

16 (7) *For existing tank systems, as defined in Section*
17 *66260.10 of Title 22 of the California Code of Regulations,*
18 *the generator shall provide secondary containment for*
19 *the elementary neutralization tank system in accordance*
20 *with Section 66265.193 of Title 22 of the California Code*
21 *of Regulations, unless all of the following enhanced risk*
22 *and inspection program elements are met:*

23 (A) *The tank system is in compliance, where*
24 *applicable, with Sections 66265.190 to 66265.196, inclusive,*
25 *of Title 22 of the California Code of Regulations, except*
26 *for references to Section 66265.193 of Title 22 of the*
27 *California Code of Regulations.*

28 (B) *All accessible parts of the tank system are visually*
29 *inspected once each operating day for signs of*
30 *deterioration that could result in leaks.*

31 (C) *All inaccessible or otherwise nonvisually*
32 *inspectable piping, such as underground sewers, are*
33 *constructed of corrosion resistant materials, and undergo*
34 *a internal videotape inspection once every three years to*
35 *identify areas of deterioration that could result in leaks.*

36 (D) *The tank system is not subject to secondary*
37 *containment or integrity assessment requirements*
38 *pursuant to the federal act or to the regulations adopted*
39 *pursuant to the Federal Act.*



1 (E) The generator has completed a Phase I
2 environmental assessment in accordance with Section
3 25200.14 that indicates that there is no known heavy
4 metals contamination within 300 feet of the elementary
5 neutralization system, or if indicated by the Phase I
6 environmental assessment, an environmental
7 investigation conducted in accordance with subdivision
8 (e) of Section 25200.14 that demonstrates no heavy metals
9 contamination.

10 (8) For new tank systems, the generator shall provide
11 secondary containment for the elementary
12 neutralization tank in accordance with Section 66265.193
13 of Title 22 of the California Code of Regulations. In
14 addition, for new tank systems, the generator shall also
15 provide secondary containment for the ancillary
16 equipment and piping, as defined in Section 66260.10 of
17 Title 22 of the California Code of Regulations, in
18 accordance with Section 66265.193 of Title 22 of the
19 California Code of Regulations, unless all of the following
20 enhanced risk and inspection program elements are met:

21 (A) The tank system is in compliance with, where
22 applicable, Sections 66265.190 to 66265.196, inclusive, of
23 Title 22 of the California Code of Regulations, except for
24 references to Section 66265.193 of Title 22 of the
25 California Code of Regulations.

26 (B) All accessible parts of the system are visually
27 inspected once each operating day for signs of
28 deterioration that could result in leaks.

29 (C) All inaccessible or otherwise nonvisually
30 inspectable piping, such as underground sewers, are
31 constructed of corrosion resistant materials, and undergo
32 a internal videotape inspection once every three years to
33 identify areas of deterioration that could result in leaks.

34 (D) The tank system is not subject to secondary
35 containment or integrity assessment requirements
36 pursuant to the federal act or to the regulations adopted
37 pursuant thereto.

38 (E) The generator has completed a Phase I
39 environmental assessment in accordance that indicates
40 that there is no known heavy metals contamination



1 within 300 feet of the elementary neutralization system,
2 or if indicated by the Phase I environmental assessment,
3 an environmental investigation conducted in accordance
4 with subdivision (e) of Section 25200.14 that
5 demonstrates no heavy metals contamination.

6 (b) An owner or operator of a wastewater elementary
7 neutralization unit, not typically used to treat hazardous
8 waste having a pH less than 2.0 or greater than 12.5, is
9 exempt from any requirement imposed pursuant to this
10 chapter, including any regulation adopted pursuant to
11 this chapter, that regulates generators, tanks, and tank
12 systems, and the requirement to obtain a hazardous waste
13 facilities permit or other grant of authorization from the
14 department, if the owner or operator treats wastewater
15 which is hazardous solely due to acidic or basic materials
16 generated as the result of a process upset or other
17 abnormal condition, if both of the following conditions
18 are met:

19 (1) Within 10 days of operation of the unit to treat the
20 hazardous wastewater, the operator notifies the certified
21 uniform program agency of the operation of the unit
22 under the exemption granted pursuant to this
23 subdivision. If the operator is not under the jurisdiction
24 of a certified uniform program agency, the notice shall be
25 sent to the officer of the agency authorized, pursuant to
26 subdivision (f) of Section 25404.3, to implement and
27 enforce the requirements of this chapter listed in
28 paragraph (2) of subdivision (c) of Section 25404.

29 (2) The hazardous wastes in the elementary
30 neutralization unit do not contain more than 10 percent,
31 by weight, of acidic or alkaline constituents.

32 (c) This section does not apply to a generator who
33 treats hazardous waste pursuant to Section 25201.13 or
34 25201.15 or subdivision (a) or (c) of Section 25201.5.

35 (d) (1) For purposes of the inspection requirements
36 of Section 25201.4, a generator treating hazardous waste
37 pursuant to this section shall be considered to be
38 operating pursuant to a conditional exemption.

39 (2) In complying with the recordkeeping
40 requirements of subdivision (b) of Section 25201.5, a



1 generator treating hazardous waste pursuant to this
2 section shall, in addition, maintain onsite for a period of
3 three years adequate records necessary to demonstrate
4 compliance with the requirements and conditions of this
5 section.

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