

# FINAL STATEMENT OF REASONS

## Generator Improvements Rule

Department of Toxic Substances Control reference number: R-2023-08R  
Office of Administrative Law Notice Reference Number: Z-2023-0314-03

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## **UPDATED INFORMATIVE DIGEST**

There have been no changes in applicable laws from the laws and effects described in the Notice of Proposed Action dated March 24, 2023. As for the regulations, DTSC deleted the satellite accumulation area (SAA) regulations in section 66262.15(a)(6)(D), that specified the hazardous waste accumulation quantity limit for multiple wastestreams. DTSC also revised the small quantity generator quantity description for RCRA hazardous wastes not subject to the land disposal provisions of chapter 18 to align with the federal small quantity generator definition that was modified as a result of the GIR in section 66268.1(e)(1). Additionally, DTSC revised the very small quantity generator (VSQG) definition in section 66260.10 and the generator category table in section 66262.13, replaced the erroneous cross-references in section 66262.15(a)(7), and revised the section title in section 66262.16(c) to accurately describe the small quantity generator transportation provision.

### **Changes to Existing Statutes or Regulations**

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action dated March 24, 2023.

## **GENERAL INFORMATION**

### **Update to the Initial Statement of Reasons**

As authorized by Government Code section 11346.9, subsection (d), the Department of Toxic Substances Control (DTSC) incorporates by reference the Initial Statement of Reasons (ISOR) prepared for this rulemaking. DTSC published the proposed regulatory text, ISOR, Economic and Fiscal Impact Analysis, and supporting documents for public review and comment on March 24, 2023. This public review and comment period concluded on May 8, 2023. DTSC received a total of (10) comment letters. DTSC did make substantive and nonsubstantive changes to the originally proposed regulations after this public review and comment period.

Changes to the proposed regulatory text were released for public comment (Second Comment Period) beginning July 5, 2023, through July 20, 2023. DTSC received a total of (9) comment letters during the second comment period. DTSC did not make any substantive or nonsubstantive changes to the regulation after the second comment period.

### ***Changes to the Proposed Regulatory Text***

The changes to the regulatory text, as it was originally noticed, are summarized below.

DTSC has amended the California Code of Regulations, title 22, division 4.5, chapter 12, proposed sections 66262.13, 66262.15, 66262.16, 66262.18, 66262.262, and chapter 18, section 66268.1:

- Revise the VSQG definition;
- Revise the generator category table by adding the VSQG criteria;
- Clarify types of hazardous waste for generator category determination;
- Revise the satellite accumulation area (SAA) regulations related to the hazardous waste accumulation quantity limit for multiple wastestreams;
- Revise the small quantity generator (SQG) of RCRA hazardous waste re-notification timeline to the Department;
- Revise the contingency plan timeline for large quantity generators (LQG);
- Revise the SQG quantity description for Resource Conservation and Recovery Act (RCRA) hazardous wastes not subject to the land disposal provisions of chapter 18; and
- Other non-substantive changes: Correct section cross-reference typos, revise subsection title, and underline proposed language that was not underlined.

### ***Additional Documents Relied On***

There are no additional documents relied on.

### **Mandates on Local Governments and School Districts**

DTSC has determined that this regulatory action will not result in a mandate to any local agencies or school districts which are reimbursable by the state pursuant to Part 7 (commencing with section 17500, division 4, title 2 of the Government Code.)

### **Alternatives Considered**

For the reasons set forth in the ISOR, DTSC determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulatory action was proposed, or would be as effective and less burdensome to affected private persons, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law than the action taken by DTSC.

### **Small Business Alternatives Considered**

DTSC has not identified reasonable alternatives that would lessen any adverse impact on small business.

## **CHANGES MADE TO THE ORIGINAL PROPOSAL**

### **Substantive Changes**

Section 66262.15(a)(6)(D). DTSC deleted the satellite accumulation area (SAA) regulations related to the hazardous waste accumulation quantity limit for multiple wastestreams.

DTSC has determined that the existing California SAA allowance specified in section 66262.34(e)(2), that the rulemaking proposes to relocate to existing section 66262.15(a)(6)(D), is less stringent than the federal hazardous waste program. The federal program allows a total of 55-gallons or one-quarter of hazardous waste to be accumulated in the SAA. The federal interpretation may be found in Federal Register 85732, Vol. 81, No. 228, pg 85765, November 28, 2016. California's program, in contrast, allows 55-gallons or one-quarter of hazardous waste to be accumulated in the SAA for each group of compatible wastestreams. This allows generators in California to accumulate more than 55-gallons or one-quarter of hazardous waste in an SAA. If this existing SAA provision remains in the rulemaking, U.S. EPA may not approve California's authorization to implement the state hazardous waste program. Therefore, proposed section 66262.15(a)(6)(D) that includes California's SAA allowance provision and the related container provision were removed from the proposed regulations.

Section 66268.1(e)(1). DTSC revised the SQG quantity description for RCRA hazardous wastes not subject to the land disposal provisions of chapter 18 to align with the federal small quantity generator definition that was modified as a result of the GIR.

### **Non-Substantive Changes**

The following changes constitute non-substantive changes to the regulatory text because they do not materially alter the requirements or conditions of the proposed rulemaking action.

Section 66262.10. DTSC revised the definition of Very Small Quantity Generator.

Section 66262.13. DTSC revised the generator category table by adding the Very Small Quantity Generator criteria.

Section 66262.13(b), DTSC added the term "hazardous waste" for acute, extremely, and non-acute hazardous wastes to align with regulatory text as written in section 66262.13(a).

Section 66262.15(a)(7). DTSC replaced the erroneous cross-references to preparedness, prevention and emergency procedures regulations with the correct references.

Section 66262.16(c). DTSC revised the section title to accurately describe the section SQG transportation provision.

Section 66262.18(b). DTSC revised the timeline for SQG re-notification to begin starting 2024 instead of 2023. With this revision, SQGs will be required to re-notify DTSC starting in 2024 and every four years thereafter using EPA form 8700-12, and due by September 1.

Section 66262.262(b). DTSC inserted the timeline for when new LQGs are subject to the contingency plan requirements, specifying that proposed contingency plan requirements will be effective to new LQGs starting July 1, 2024.

The total lifetime economic impact costs incurred by the hazardous waste generators due to the proposed regulations remains at \$11,663,705 as previously estimated. DTSC has modified the itemized breakdown costs of the lifetime costs, incurred by the generators, in the economic and fiscal impact analysis (STD 399), Attachment, and Appendix to STD 399 as follows:

- Corrected the costs breakdown error for LQGs' preparedness, prevention, and emergency response;
- Corrected the rounding numerical error;
- Subsequently adjusted the summations and the total costs per business values, based on the itemized breakdowns and rounding corrections;
- Corrected the mathematical calculation for the trend observed for the number of SQGs from 2017 to 2021 based on the HWTS data;
- Clarified assumptions made for recordkeeping requirements for SQGs;
- Clarified assumptions made for ignitable and reactive waste costs incurred by LQGs; and,
- Deleted a column in Table 4 titled "Re-notification costs breakdown for SQGs that manage RCRA hazardous waste" in the appendix to remove redundancy.

Changes that are made to the economic and fiscal impact analysis, as listed above, do not impact the total lifetime costs of the proposed regulations or do not impact the assumptions that are made to calculate the lifetime costs, since these are mathematical breakdown errors of the total lifetime costs. The total lifetime costs remain at \$11,663,705 as previously estimated. Initial costs and annual ongoing costs for a small or typical business (STD 399 B.1.a.), which was previously estimated at \$27.02-247.06 and \$7.24-701.95 respectively, are now lowered as \$27.02-197.31 and \$7.24-190.14 respectively for the lifetime of this analysis. Costs due to reporting requirements (STD 399 B.3.), which was previously estimated at \$236.25, are corrected as \$53.57 annually for this analysis. Lastly, the state and federal costs difference (STD 399 B.5), due to managing RCRA versus California specific non-RCRA hazardous waste, which was initially estimated as \$8,848,494, was corrected to be \$9,797,512.

## **SUMMARY OF COMMENTS AND AGENCY RESPONSE**

### **Summary of Objections and Recommendations during the 45-Day Comment Period (Mar 24 – May 8, 2023)**

DTSC grouped and summarized the comments according to the listed themes, presenting summaries and responses in each section.

#### ***Comments Regarding Purpose, Scope, and Applicability***

Comment: 1-1-21

Comment Summary: Purpose, Scope and Applicability

The commenter recommends that DTSC amend the quantity threshold for non-acute and acute RCRA hazardous wastes generated by SQGs that are not subject to the hazardous waste land disposal restrictions in chapter 18 of title 22 in section 66268.1(e)(1).

DTSC Response:

DTSC has reviewed the comment and determined that regulatory amendments are necessary. DTSC agrees that the quantities of non-acute and acute RCRA hazardous wastes should be amended in section 66268.1(e)(1) to align with the federal VSQG definition that was modified as a result of the GIR. A California SQG of equal to or less than 100 kilograms of non-acute hazardous waste or equal to or less than 1 kilogram of acute hazardous waste per month is analogous to the federal VSQG definition. The current RCRA hazardous waste quantity thresholds do not align with the federal VSQG definition because the existing threshold for non-acute hazardous waste is less than 100 kilograms or less than one kilogram of acute hazardous waste. According to the federal definition, the threshold is equal to or less than 100 kilograms of non-acute hazardous waste or equal to or less than one kilogram of acute hazardous waste per month. Therefore, DTSC proposes to amend the quantity threshold for non-acute and acute RCRA hazardous wastes in section 66268.1(e)(1) to align with the federal definition.

#### ***Comments Regarding Definitions***

Comment: 1-5-2

Comment Summary: Definition of Non-acute Hazardous Waste

The commenter recommends that DTSC remove the proposed definition of “non-acute hazardous waste” in section 66260.10 and instead mention both non-acute and non-extremely hazardous waste together in the proposed regulations as needed. The commenter states that the proposed definition of “non-acute hazardous waste” creates confusion. This is because, if one does not read or understand the definition in section

66260.10, they may mistakenly interpret the term to only exclude acutely hazardous waste when the definition also excludes extremely hazardous waste.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC disagrees with the commenter that the proposed definition of “non-acute hazardous waste” and the mention of “extremely hazardous wastes” in the definition is confusing. The proposed definition explicitly excludes acutely hazardous waste and extremely hazardous waste. Therefore, no amendments to the language were made.

Comment: 1-6-1

Comment Summary: Small Quantity Generator Definition

The commenter recommends that DTSC amend the SQG definition in section 66260.10 to exclude those generators that generate less than 100 kilograms of non-acute hazardous waste in a calendar month. Additionally, the comment implies that DTSC should adopt the conditions for exemption of a VSQG (i.e. add a VSQG category) to reduce the regulatory burden for generators that produce minimal quantities of hazardous waste.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. Amending the proposed regulations to add a VSQG category is outside the scope of this rulemaking. Adding the new category would require amendments to the SQG definition and the adoption of conditions for exemption of a VSQG. Adding the conditions for exemption of a VSQG category may be considered for possible adoption in a future GIR rulemaking to adopt less stringent hazardous waste requirements.

Comment: 1-10-1

Comment Summary: Central Accumulation Area Definition

The commenter states that including VSQG to the proposed definition of "central accumulation area" will provide VSQGs the benefits of collecting very small amounts of hazardous wastes from remote sites.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The California hazardous waste program does not include a VSQG category, nor the related conditions for exemption. Therefore, VSQG will not be included in the proposed definition of "central accumulation area."

Comment: 1-10-2

### Comment Summary: Small Quantity Commercial Source Definition

The commenter states that the definition for "small quantity commercial source" is confusing since California has maintained that commercial sources and households are distinct and separate categories. The commenter suggests a definition amendment to improve clarity.

#### DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The suggested regulatory amendment is outside the scope of this rulemaking.

Comment: 1-10-3

### Comment Summary: Very Small Quantity Generator Definition

The commenter states that the proposed definition for "very small quantity generator" is inconsistent with the statutory definition in Health and Safety code section 25218.1 for "very small quantity generator." The statutory definition does not include criteria for extremely hazardous waste. However, household hazardous waste facilities do accept some extremely hazardous waste from VSQGs. The commenter requests clarification about whether extremely hazardous waste will be accepted at household hazardous waste facilities given the inconsistent statutory definition.

#### DTSC Response:

DTSC has reviewed the comment and determined that regulatory amendments are necessary. The statutory definition for "very small quantity generator" in the provision in Health and Safety Code, chapter 6.5, section 25218.1 refers to the federal definition that does not recognize extremely hazardous waste as a category of hazardous waste. DTSC removed the extremely hazardous waste from the proposed definition for VSQG to maintain consistency with the statute. DTSC also updated Table 1 in section 66262.13(b) for consistency.

### ***Comments Regarding Generator Category Determination***

Comment: 1-5-3

### Comment Summary: Generator Category Determination

The commenter recommends that DTSC be consistent with the language in proposed sections 66262.13(a) and (b) when referring to the types of hazardous waste, such as acute hazardous waste. Additionally, the commenter recommends amending the language in the sections so that it more clearly states the counting requirements, including proposing a definition for "Waste Types" in section 66260.10 to use in the amended language.



DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The requirements in sections 66262.13(a) and (b) are written differently given that the counting requirements in section (a) are for generators of a single type of hazardous waste and the counting requirements in section (b) are for generators of multiple types of hazardous wastes. Additionally, DTSC thinks the current proposed counting regulation language is clear as written and will not amend in the GIR.

Comment: 1-10-5,

Comment Summary: Very Small Quantity Generator in Generator Category Determination

The commenter states that Table 1 in proposed section 66262.13(b) should include the criteria for the proposed very small quantity generator definition for clarity and consistency.

Table.

<u>Quantity of acute hazardous waste generated in a calendar month</u>	<u>Quantity of extremely hazardous waste generated in a calendar month</u>	<u>Quantity of non-acute hazardous waste generated in a calendar month</u>	<u>Generator category</u>
<u>&gt; 1 kg</u>	<u>Any amount</u>	<u>Any amount</u>	<u>Large quantity generator</u>
<u>Any amount</u>	<u>&gt; 1 kg</u>	<u>Any amount</u>	<u>Large quantity generator</u>
<u>Any amount</u>	<u>Any amount</u>	<u>≥ 1,000 kg</u>	<u>Large quantity generator</u>
<u>≤ 1 kg</u>	<u>≤ 1 kg</u>	<u>&lt; 1,000 kg</u>	<u>Small quantity generator</u>
<u>≤ 1 kg</u>		<u>≤ 100 kg</u>	<u>Very small quantity generator</u>

DTSC Response:

DTSC agrees with the comment and has revised Table 1 in proposed section 66262.13(b) to include "very small quantity generator" and the related proposed quantity criteria.

### ***Comments Regarding Satellite Accumulation Area***

Comment: 1-1-1

Comment Summary: Satellite Accumulation Area Regulations for Small and Large Quantity Generators.

The commenter requests DTSC to add language to the end of proposed section 66262.15(a) clarifying that the requirement to locate an SAA 'at or near any point of generation' does not apply to laboratory accumulation areas.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The clarification that the SAA locations do not apply to laboratory accumulation areas is not necessary. The provisions for managing laboratory hazardous waste in laboratory accumulation areas are in Health and Safety Code, section 25200.3.1 and are applicable for managing laboratory hazardous waste without the suggested clarification.

Comment: 1-2-1

Comment Summary: Satellite Accumulation Area Accumulation Time Limit

The commenter asks about how the proposed three-day accumulation time limit option in proposed section 66262.15(a)(6)(B) should be interpreted. The requirement option allows a generator that accumulates hazardous waste in SAA in excess of the applicable quantity limit to remove the excess from the SAA within three consecutive calendar days. The commenter interprets the proposed accumulation time limit option to mean that, within the three-day accumulation time limit, the generator is required to remove only the hazardous waste that exceeds the applicable threshold from an accumulation container, rather than the whole accumulation container holding the hazardous waste. Commenter likes to know if the commenter's interpretation is correct.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC confirms the commenter's interpretation of the proposed three-day accumulation time limit option. The proposed section option allows a generator to, within three days, remove the amount of hazardous waste that exceeds the 55 gallons threshold for non-acute hazardous waste or the one quart of acute or extremely hazardous waste from SAA to either:

- a central accumulation area;
- an on-site interim status or permitted treatment, storage, or disposal facility; or
- an off-site designated facility.

Comment: 1-2-3

Comment Summary: Satellite Accumulation Area Accumulation Quantity Interpretation

The commenter compares the federal satellite accumulation limit requirement interpretation in the federal registry with the California satellite accumulation limit requirement. The existing California satellite accumulation limit requirement has an exception that allows a separate 55-gallon or one-quart accumulation limit for each group of compatible wastestreams generated by a single process or group of processes located within the same physical area. U.S. EPA's interpretation is that at an SAA where more than one type of waste is accumulated, the total allowable accumulation is 55 gallons of hazardous waste, not 55 gallons per wastestream. The commenter asks if DTSC considers U.S. EPA's maximum accumulation of 55 gallons of non-acute hazardous waste in SAA a mandatory provision.

DTSC Response:

The comment caused DTSC to evaluate the existing California SAA provision allowing additional 55-gallon or one-quart limits for each group of compatible wastestreams. The federal hazardous waste program never had this allowance, nor did the federal GIR make any substantive amendments to the allowance. DTSC has determined that the existing California SAA allowance is less stringent than the federal hazardous waste program. The federal program allows a total of 55 gallons of non-acute hazardous waste or one quart of acute hazardous waste to be accumulated in the SAA, not 55 gallons of non-acute hazardous waste or one quart of acute hazardous waste for each group of compatible wastestreams. This federal interpretation may be found in Federal Register 85732, Vol. 81, No. 228, November 28, 2016. Therefore, the SAA allowance provision in proposed section 66262.15(a)(6)(D) was removed from the proposed regulations. This action is necessary for DTSC to maintain California's hazardous waste program equivalency with the federal hazardous waste program and its RCRA authorization to implement California's hazardous waste program in lieu of the federal program.

Comment: 1-10-9

Comment Summary: Satellite Accumulation Area Containment

The commenter states that the satellite accumulation regulations in section 66262.15(a)(6)(D) should allow smaller separate containers to be used that do not exceed the 55-gallon or one-quart limit for ease of transport of incompatibles. The commenter suggested regulatory amendments to allow the use of smaller containers for accumulation up to 55 gallons or one quart of hazardous waste.

DTSC Response:

A previous comment (see comment 1-2-3) from a different commenter caused DTSC to evaluate the existing California SAA provision allowing additional 55-gallon or 1-quart limits for each group of compatible wastestreams. The federal hazardous waste program never had this allowance, nor did the federal GIR make any substantive amendments to the allowance. However, DTSC has determined that the existing California SAA allowance is less stringent than the federal hazardous waste program. The federal program allows a total of 55 gallons or one quart of hazardous waste to be accumulated in the SAA, not 55 gallons or one quart for each group of compatible wastestreams. This federal interpretation may be found in Federal Register 85732, Vol. 81, No. 228, November 28, 2016. Therefore, the SAA allowance provision in proposed section 66262.15(a)(6)(D) was removed from the proposed regulations. This action is necessary for DTSC to maintain California's hazardous waste program equivalency with the federal hazardous waste program and its RCRA authorization to implement California's program in lieu of the federal program.

The proposed SAA regulations do not prevent a generator from using smaller separate containers to accumulate up to 55 gallons or one quart of hazardous waste.

Comment: 1-10-10

Comment Summary: Satellite Accumulation Area for Small Quantity Generators

This comment refers to the changes the commenter proposed, elsewhere in the letter, to section 66262.15, including changes to the transfer of waste and container marking and labeling (see comments 1-10-7, 1-10-8, and 1-10-9). The commenter proposes that those same changes should also apply to the SQG regulations in 66262.16.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. This is based on the reasons noted in DTSC's responses to the commenter's section 66262.15 comments (See comments 1-10-7, 1-10-8, and 1-10-9).

Comment: 1-10-11

Comment Summary: Accumulation Time for Specific Wastes in Satellite Accumulation Area for Small Quantity Generators

The commenter states that the proposed SQG regulation in section 66262.16(b) does not include the one-year accumulation limit for universal waste and other waste like lead-acid batteries or used oil filters. The commenter suggested language to include the accumulation time limit for these types of wastes.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter suggests prescriptive amendments to the existing satellite accumulation requirements. DTSC's inclusion of proposed section 66262.16(b) in the rulemaking is only intended for relocating and restructuring the requirement to align with the analogous federal regulation. Existing requirements for universal waste and recyclable materials, such as lead-acid batteries or used oil filters, referred by the commenter may be found in chapters 23 and 16 of title 22 respectively. The suggested regulatory amendments are outside the scope of this rulemaking.

Comment: 1-10-14

Comment Summary: Satellite Accumulation Area Transfer of Waste and Labeling for Large Quantity Generators (LQG)

The comment refers to changes the commenter proposed elsewhere in the letter, to the proposed satellite accumulation regulations in section 66262.15, including comments about the transfer of waste and container labeling and marking (See comments 1-10-7, 1-10-8, and 1-10-9), apply to the proposed LQG regulations in section 66262.17.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. This is based on the reasons noted in DTSC's responses to the commenter's section 66262.15 comments (See comments 1-10-7, 1-10-8, and 1-10-9).

Comment: 1-10-18

Comment Summary: Satellite Accumulation Area Container Labeling

The comment refers to the changes the commenter proposed elsewhere in the letter, to the proposed SAA regulations in section 66262.15 (See comments 1-10-7, 1-10-8, and 1-10-9), which include comments about container labeling and marking for universal wastes and other waste. The commenter proposed those same changes should also apply to the amended section 66268.50. Additionally, the commenter states that some hazardous wastes use California waste codes rather than the U.S. EPA hazardous waste codes and that some wastes may not have a hazard class. The commenter suggests amendments to the regulations to include terms such as "Universal Waste," "other wording," and California waste codes as marking options if applicable. Additionally, the commenter suggests changing the marking provision so the generator only has to add the indication of the hazardous waste, "if applicable."

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC does not agree with the commenter's suggestions to amend the proposed language in section 66268.50 to address the marking of containers with universal wastes and other wastes, California waste codes for some hazardous wastes, and whether or not the indication of the hazards of the contents of a container applies.

DTSC's amendment of proposed section 66268.50(a)(2)(A) in the rulemaking is only intended to restructure existing requirements and to add requirements to align with the analogous federal regulations. The suggested regulatory amendments are outside the scope of this rulemaking. Amendments to address California waste codes may be considered for inclusion in a separate rulemaking. Adding the suggested language regarding whether or not the indication of the hazards of the contents of a container applies may be considered by U.S. EPA to be less stringent than the federal program and prevent California from maintaining its RCRA authorization. Therefore, suggested language is not included in the rulemaking.

### ***Comments Regarding Hazardous Waste Accumulation***

Comment: 1-1-2

Comment Summary: Accumulation of Hazardous Waste in Tanks

The comment requests DTSC add language in proximity to proposed requirement in section 66262.16(b)(3) E.1.a. clarifying that hazardous waste treatment requires a hazardous waste facility permit or other form of authorization from the Department unless otherwise specified in regulation or code.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The clarification that a hazardous waste facility permit or other form of authorization from the Department unless otherwise specified in regulation or code is not necessary. Health and Safety Code section 25201 requires any owner or operator (or person) who stores, treats or disposes of hazardous waste to obtain a hazardous waste facilities permit or other grant of authorization to do so. The Health and Safety Code applies to owners or operators conducting these activities without the suggested clarification.

Comment: 1-1-10

Comment Summary: Accumulation Time Limit Extension

The commenter states that the citation (referenced section 66262.35) in proposed section 66262.16(d) is not aligned numerically with the requirement in 40 Code of Federal Regulations section 262.35.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter did not provide a language change recommendation to consider. DTSC agrees that the requirements in the referenced California Code of Regulations (CCR) section 66262.35 (i.e. Extension(s) to Accumulation Time requirements) is not numerically aligned with the requirements in 40 Code of Federal Regulations (CFR) section 262.35 (i.e. Liquids in landfill prohibition requirements).

However, California hazardous waste provisions are not required to be numerically aligned with the federal hazardous waste provisions.

Comment: 1-1-11

Comment Summary: Management of Containers

The commenter states that not all hazardous waste regulated in California is regulated by the Department of Transportation (DOT) and while yet requiring a container suitable for the laden, does not require the use of "UN-specification" packaging. Reuse requirements contained in 49 C. F. R. (aside from "general packaging requirements") do not apply to non-UN-specification packaging.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter did not provide a language change recommendation to consider. DTSC is unclear whether there is an implied change recommendation. Therefore, no regulatory changes were made based on this comment.

Comment: 1-1-13

Comment Summary: Special Conditions for Accumulation of Incompatible Wastes

The commenter recommends revising the special condition for accumulation of incompatible wastes by replacing "other device" with "distance, or other method" as means of separating incompatible wastes.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The proposed rulemaking relocates and restructures the existing special condition for accumulation of incompatible wastes requirement to align with the federal reorganization and will not alter the prescription of the existing requirement. The comment suggests replacing "other device" with "distance, or other method" as a means of separating incompatible wastes. Distance and other methods as means of separating incompatible wastes is nonspecific and subjective and, in addition to removing "other device," may be considered by U.S. EPA to be less stringent than the federal program and; therefore, unacceptable for inclusion in California's hazardous waste program.

Comment: 1-1-19

Comment Summary: Specific Requirements for Consolidation Operations

The commenter recommends amending the quantity limitation for non-RCRA hazardous wastes that may be collected from generators in section 66263.45(e)(2) where the specific requirements for consolidation operations in the section applies. The

commenter states that 100 kilograms of hazardous waste is the top of the quantity range that can be collected from the generator for the section requirements to apply.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC agrees that the non-RCRA hazardous wastes quantity limitation for the specific requirements for small load operations should be evaluated for amendment in a future rulemaking. However, the recommendation is not related to the GIR amendments proposed in this rulemaking and, therefore, is outside of the scope of this rulemaking.

Comment: 1-1-20

Comment Summary: Specific Requirements for Small Load Operations

The commenter recommends amending the quantity limitation for non-RCRA hazardous wastes that may be collected from generators in section 66263.46(b)(3) where the specific requirements for small load operations in the section apply. The commenter states that 100 kilograms of hazardous waste is the top of the quantity range that can be collected from the generator for the section requirements to apply.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC agrees that the non-RCRA hazardous wastes quantity limitation for the specific requirements for small load operations should be evaluated for amendment in a future rulemaking. However, the recommendation is not related to the GIR amendments proposed in this rulemaking and, therefore, is outside of the scope of this rulemaking.

Comment: 1-6-3

Comment Summary: Fenceline Parameter for Containers Holding Ignitable or Reactive Waste

The commenter recommends that DTSC add the federal GIR requirement that allows a local fire department to approve, in writing, alternative distances from the property line for storing containers holding ignitable or reactive waste.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. Adding the less stringent federal GIR exception allowing a large quantity generator to store containers holding ignitable or reactive waste less than 15 meters (50 feet) from the facility's property line with written approval from the appropriate fire code authority is outside the scope of this rulemaking. This provision may be considered for



possible adoption in a future GIR rulemaking to adopt less stringent hazardous waste requirements.

### ***Comments Regarding Labeling and Marking***

Comment: 1-1-3

Comment Summary: Labeling and Marking of Containers

The commenter requests DTSC to add the language "where applicable" to container marking requirement in proposed section 66262.16(b)(4)(A)5. The regulation requires an SQG to mark hazardous waste containers with the date upon which each period of accumulation begins. The commenter states that not all facilities accumulate hazardous wastes in SAAs, neither do all facilities reuse containers (whereby multiple accumulation start and waste pickup dates are applicable).

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. Adding the clarification that an SQG mark its containers with the date upon which each period of accumulation begins "where applicable" is not necessary. In the case where a SQG only accumulates hazardous waste in a central accumulation area rather than SAA, the generator would mark the container with the date the 180-day or 270-day accumulation period begins (when hazardous waste first begins to accumulate). There would be no date marked for the period of accumulation in an SAA if there is no SAA. DTSC believes that the language of this regulation is clear and that the application of the regulation as described above will meet the intent of both sections 66262.16(b)(4)(A)5. and 66262.16(b)(4)(A)6.

Comment: 1-10-8

Comment Summary: Labeling requirements in Satellite Accumulation Area

The commenter states that it is not always appropriate to mark hazardous waste containers with "Hazardous Waste" in SAA if the waste is universal waste, drained used oil filters, recyclables, and surplus materials. The comment suggests regulatory language that includes universal waste labeling standards or other words that could be applicable.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter suggests prescriptive amendments to the existing SAA marking and labeling requirements. DTSC's inclusion of proposed section 66262.15(a)(5)(A) in the rulemaking is only intended for relocating and restructuring the requirement to align with the analogous federal regulation. Other existing labeling requirements for universal waste, drained used oil filters, and recyclables referred to by the commenter may be found in chapters 23 and 16 of title 22 of California Code of

Regulations respectively. The suggested regulatory amendments are outside the scope of this rulemaking.

### ***Comments Regarding Preparedness and Prevention***

Comment: 1-1-4

Comment Summary: Preparedness and Prevention

The commenter requests DTSC to rephrase the last sentence of the required equipment requirement in proposed section 66262.16(b)(6)(B). This comment pertains more to style and fluidity rather than technical error or redundancy.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC appreciates the language style suggestion. However, DTSC has chosen to maintain the current proposed language.

Comment: 1-1-5

Comment Summary: Access to Communications or Alarm System

The commenter requests DTSC to rephrase the access to communications or alarm system requirement in proposed section 66262.16(b)(6)(D)2 to improve the language style and fluidity.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC appreciates the language style suggestion. However, DTSC has chosen to maintain the current proposed language.

Comment: 1-1-6

Comment Summary: Emergency Procedures

The commenter requests DTSC to rephrase the proposed section 66262.16(b)(7)(B)1 to state to use the fire extinguisher, in the event of a fire, only if one is trained and it is safe to do so.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC has decided not to add the training and safety clarification because the following subsection 66262.16(b)(7)(C) requires the SQG to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures. Also, the commenter does not state why the clarification should be added.

Comment: 1-1-8

#### Comment Summary: Emergency Notification

The commenter states that while it is imperative to notify local agencies and the California Office of Emergency Services (CalOES) in the event of an incident described in proposed section 66262.16(b)(7)(B)3, the National Response Center (NRC) must only be notified for events that are of national significance.

#### DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter did not provide a language change recommendation to consider.

Additionally, the statement that the "National Response Center (NRC) must only be notified for events that are of national significance" is not correct based on information from U.S. EPA's website <https://www.epa.gov/emergency-response/national-response-center>. NRC "is the designated federal point of contact for reporting all oil, chemical, radiological, biological and etiological discharges into the environment, anywhere in the United States and its territories."

Comments: 1-1-12, 1-3-1

#### Comment Summary: Placement of No Smoking Sign

The commenters state that it is unclear whether the "No Smoking" sign must be placed in proximity to ignitable or reactive hazards or where ignitable and reactive wastes are accumulated. The commenters also ask if the new LQG "No Smoking" provision in proposed section 66262.17(a)(1)(F)2 only applies in the 90-day storage areas (i.e. central accumulation areas) where there is a hazard from ignitable and reactive waste, or it also applies in SAAs where there is a hazard from ignitable and reactive waste. The commenters recommend revising the proposed language to clarify that "No Smoking" signs shall be placed wherever ignitable or reactive wastes are accumulated, handled, or stored.

#### DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. U.S. EPA's "No Smoking" sign requirement is more stringent than the existing California hazardous waste program. Therefore, it must be adopted by DTSC to maintain U.S. EPA authorization to implement California's hazardous waste program. DTSC will not change the current proposed language, which mirrors the federal language, to ensure the requirement does not deviate from the intent of the analogous federal requirement.

The new LQG "No Smoking" requirement would apply to any areas of a LQG where there is a hazard from ignitable and reactive waste. These areas include both central

accumulation areas and satellite accumulation areas. DTSC believes the proposed language is clear as is. Therefore, no amendments to the language were made.

Comment: 1-5-4

#### Comment Summary: Large Quantity Generator Contingency Plan

The commenter asks if the GIR rulemaking (e.g. emergency response contractor, equipment suppliers etc.) would immediately trigger an amendment to the contingency plan due to the regulatory change per section 66262.263(a).

If so, then all LQGs would be required to submit a quick reference guide when the proposed regulations become effective. The commenter asks for more clarity on these proposed regulations. The commenter asks for clarity on if the facility will have to update the contingency plan immediately since the new regulations require that the contingency plan needs to be amended when applicable regulations are revised, and this reg package is revising applicable regulations (for example the facility now has to document arrangements with additional entities.)

#### DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter is requesting clarity about when the LQG contingency plan review and amendment requirement in section 66262.263(a) applies once the proposed regulations become effective. Section 66262.263 states "The contingency plan shall be reviewed, and immediately amended, if necessary, whenever..." This means that an LQG will review and amend its contingency plan if necessary. For example, the contingency plan review and amendment would be necessary if there is an arrangement with an emergency entity that is not described in the LQG's existing contingency plan. The adoption of these regulations requires the contingency plan to be reviewed and immediately amended, if necessary. DTSC will provide future outreach and training guidance on the application of the new hazardous waste requirements.

Comments: 1-6-2, 1-6-4

#### Comment Summary: Emergency Procedure Waiver for Small and Large Quantity Generators

The commenter recommends that DTSC add the federal GIR waiver from the requirement to make arrangements with local authorities that respond to an emergency, if a facility has 24-hour response capabilities, provided the waiver is documented in the operating record.

#### DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. Adding the less stringent federal GIR requirement allowing a facility possessing 24-hour response capabilities to seek a waiver from the requirement to

make arrangements with local authorities that respond to an emergency is outside the scope of this rulemaking. This provision may be considered for possible adoption in a future GIR rulemaking to adopt less stringent hazardous waste requirements.

Comments: 1-7-2, 1-8-1

#### Comments Summary: Quick Reference Guide for Large Quantity Generators

The commenters request clarification and guidance on how businesses may comply with the LQG contingency plan and associated new quick reference guide requirements in proposed section 66262.262(a) and (b) and if they can comply by submitting these documents into the California Environmental Reporting System (CERS). Additionally, DTSC should consider working in CERS to add new fields that will be printable for the LQG quick reference guide requirements. DTSC should avoid duplicating existing contingency plan requirements.

#### DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The proposed regulations require LQGs to submit the contingency plan and QRG to emergency responders. Options for how to submit these documents are outside the scope of this rulemaking. Therefore, further clarifications in the proposed regulations are not necessary. DTSC will work with local agencies to determine an effective method for LQGs to submit their quick reference guide. DTSC will provide future outreach and training guidance on the application of the new hazardous waste requirements.

Comments: 1-7-3, 1-9-2, 1-9-3

#### Comments Summary: Emergency Response and Contingency Plan Submission

The commenters state that many businesses submit a Hazardous Materials Business Plan (HMBP) that includes a consolidated HMBP Emergency Response Plan and Contingency Plan to their local UPA using CERS. Businesses also use CERS for HMBP submittals and the exchange of other required Unified Program information among businesses, local government, and the U.S. EPA. The commenters believe that the quick reference guide requirement is duplicative, because all the elements of the guide are in the Contingency Plan, and will distract local agencies from conducting important emergency response functions.

The commenters also state that proposed section 66262.256 does not describe how arrangements and communications are made with the local authorities and how the guide will be submitted to the local authority. The commenters suggest that DTSC include section 66262.256 requirements in Section C of the Consolidated Emergency Response/Contingency Plan template in CERS. Additionally, the commenters suggest that DTSC allow businesses to use CERS as the primary system of communications between businesses and local authorities. The commenters request that DTSC deem the LQG submittal of the HMBP to CERS sufficient to be in compliance with the GIR quick reference guide requirement. Otherwise, DTSC should clarify how SQGs and

LQGs will comply with the requirements given the existing framework of the HMBP and CERS.

DTSC Response:

DTSC has reviewed the comments and determined that no regulatory amendments are necessary. The LQG quick reference guide requirement is a mandatory GIR requirement that DTSC must incorporate into California's hazardous waste regulations to maintain its authorization to implement the California's hazardous waste program. The requirement is related, but distinct from the existing LQG Emergency Response and Contingency Plan requirements. The LQG that submits its Emergency Response and Contingency Plan and the quick reference guidance as required by hazardous waste regulations will be compliant with GIR requirements. DTSC will work with stakeholders and CERS administrators to provide future outreach and training guidance on the application of the new hazardous waste requirements for making arrangements with local authorities.

Comment: 1-8-2

Comment Summary: Small Quantity Generator Contingency Plan

The commenter requests that DTSC provide guidance about how SQGs may comply with the new requirements for making arrangements with local authorities and documenting those arrangements or lack thereof in the operating record. The commenter suggests the use of CERS to interact with emergency responders and Local Emergency Planning Committees (LEPCs) and as a documentation system. Additionally, the commenter requests feedback on how the state expects to implement and enforce the requirements for the large number of small quantity generators.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC will work with stakeholders and CERS administrators to provide future outreach and training guidance on the application of the new requirements for making arrangements with local authorities. DTSC will provide guidance to Certified Unified Program Agencies (CUPAs) on methods to implement and enforce these requirements.

Comment: 1-10-12

Comment Summary: Preparedness and Prevention Requirements for SQGs

The commenter states that many rural and remote areas do not have immediate access to reliable communication equipment for various reasons. The commenter suggests amendments to the proposed SQG preparedness and prevention regulations in sections 66262.16(b)(6)(B) and (D) to acknowledge communication infrastructure limitations.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter suggests prescriptive amendments to the existing SQG preparedness and prevention requirements. DTSC's inclusion of proposed section 66262.16(b)(6)(B) and (D) in the rulemaking is only intended for relocating and restructuring the requirement to align with the analogous federal regulations. The suggested regulatory amendments are outside the scope of this rulemaking. Additionally, the suggested required equipment exception for technology limitations may provide a generator with too general of a reason for not having required communication equipment. Adding the suggested language may be considered by U.S. EPA to be less stringent than the federal program and prevent California from maintaining its RCRA authorization.

Comment: 1-10-13

Comment Summary: Arrangement with Local Authorities

The commenter states that local authorities do not always acknowledge generator attempts to make arrangements with them. The commenter suggests an amendment to proposed section 66262.16(b)(6)(F)3 to address authorities that do not acknowledge generator attempts to make arrangements.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC rejects the suggestion to add language specifying authorities that do not acknowledge generator attempts to make arrangements. The new GIR requirement in proposed section 66262.16(b)(6)(F)2 addresses the issue by requiring the generator to document their attempt to make an arrangement if no arrangement exists.

Comment: 1-10-20

Comment Summary: Training Levels

Additionally, the commenter states that the proposed SQG emergency procedures regulation in section 66262.16(b)(7)(D) does not address different levels of personnel training as it relates to cleaning up spills. The commenter suggests an amendment to address the limits in the expertise of available trained personnel.

DTSC Response:

DTSC rejects the suggestion to add language to address the limits in the expertise of available trained personnel. This is because DTSC believes that the emergency procedures requirement in proposed section 66262.16(b)(7)(D)2 addresses the commenter's issue when it states "the small quantity generator is responsible for containing the flow of hazardous waste to the extent possible, and as soon as is practicable..." That means the personnel cleaning up a spill must do what they can based on their training or expertise level.

Comments: 1-10-15, 1-10-16

#### Comments Summary: Communication Equipment for Small Quantity Generators and Large Quantity Generators

The comments refer to the changes the commenter proposed, elsewhere in the letter, regarding proposed SQG regulations in section 66262.16 (See comment 1-10-12) about generators in remote areas not having immediate access to reliable communication equipment. The commenter proposed that those same changes should also apply to the proposed LQG regulations in sections 66262.253(a), 66262.253(b), and 66262.254(b). The comments suggest amendments to the proposed LQG preparedness and prevention in sections 66262.253(a), 66262.253(b), and 66262.254(b), to acknowledge communication infrastructure limitations.

#### DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The section 66262.16 comments referenced by the commenter are about required communication equipment. The comments do not appear to be germane to proposed section 66262.253 that contains LQG testing and maintenance of equipment requirements. Additionally, the suggested required equipment exception for technology limitations may provide a generator with an extremely general reason for not having required communication equipment. Adding the suggested language in sections 66262.253(a), 66262.253(b), and 66262.254(b) may be considered by U.S. EPA to be less stringent than the federal program and prevent California from maintaining its RCRA authorization.

Comment: 1-10-17

#### Comment Summary: Specify Local Authorities for Arrangement

The comment refers to the changes the commenter proposed elsewhere in the letter, to be added to the proposed SQG regulations in section 66262.16 regarding local authorities failing to acknowledge attempts for arrangement for prevention and preparedness. The commenter proposed that those same changes should also apply to the proposed LQG regulations in section 66262.256.

#### DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC rejects the suggestion to add language specifying authorities that do not acknowledge generator attempts to make arrangements. The new GIR requirement in proposed section 66262.256(b) addresses the issue by requiring the generator to document their attempt to make an arrangement if no arrangement exists.

#### ***Comments Regarding Training***

Comment: 1-1-7



#### Comment Summary: Small Quantity Generator Hazardous Waste Operations and Emergency Response Training

The commenter states that the term "small quantity generator" in proposed section 66262.16(b)(7)(B)2 does not explicitly address facility personnel that are trained in accordance with Hazardous Waste Operations and Emergency Response (HAZWOPER) standards. The comment implies that "facility personnel" should replace "small quantity generator" because facility personnel would respond to emergencies that occur. Additionally, the commenter suggests that facility personnel who may respond to emergencies should be trained in accordance with HAZWOPER standards.

#### DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The proposed rulemaking relocates and restructures the existing emergency procedures requirement to align with the federal reorganization and does not alter the prescription of the existing requirement. The commenter does not provide a language change recommendation. However, the implied regulatory change recommendations, such as replacing "small quantity generator" with "facility personnel" and adding training requirements, are prescriptive in nature and outside the scope of this rulemaking.

Comment: 1-1-14

#### Comment Summary: Personnel Training

The commenter recommends revising the personnel training regulation in proposed section 66262.17(a)(7)(A)1 to require a LQG to comply with CCR title 8 Section 5192(p)(8) rather than section 5192(p) in its totality. CCR title 8 Section 5192(p)(8) focuses exclusively on emergency response.

#### DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The proposed rulemaking relocates and restructures the existing personnel training requirement to align with the federal reorganization and will not alter the prescription of the existing requirement. The commenter's recommendation to reduce the large quantity generator personal training compliance requirement to CCR title 8 Section 5192(p)(8) instead of the existing subsection (p) requirement is outside the scope of this rulemaking.

Comment: 1-1-15

#### Comment Summary: Personnel training for Department of Transportation

The commenter recommends revising the triennial personnel training regulation in proposed section 66262.17(a)(7)(A)1 to specify that the shipped hazardous waste is "regulated by the Department of Transportation."

DTSC Response:

DTSC has reviewed the comments and determined that no regulatory amendments are necessary. The proposed rulemaking relocates and restructures the existing personnel training requirement to align with the federal reorganization and will not alter the prescription of the existing requirement. The commenter's recommendation to specify in the personnel training regulation that the shipped hazardous waste is "regulated by the Department of Transportation" is outside the scope of the rulemaking.

Comment: 1-1-16

Comment Summary: Personnel Training Frequency

The commenter recommends deleting the entire proposed subsection 66262.17(a)(7)(A)4, which contains the LQG training program that must be designed to ensure facility personal have general awareness training and function-specific job training every 24 months. The commenter states that the training frequencies in the subsection and the other LQG training subsections are incongruous and will cause compliance and enforcement difficulties. The commenter also states that the use certain terms in the subsection that are analogous to terms in the DOT regulations in 49 CFR blur the lines between DOT and DTSC.

DTSC Response:

DTSC has reviewed the comments and determined that no regulatory amendments are necessary. The proposed rulemaking relocates and restructures the existing training program requirements to align with the federal reorganization and will not alter the prescription of the existing training requirements. The commenter's recommendation to delete the entire subsection is outside the scope of the rulemaking.

Comment: 1-1-17

Comment Summary: Personnel Training Completion

The commenter recommends amending the regulation to include language in proposed subsection 66262.17(a)(7)(B) requiring that employees engaged in shipping hazardous waste must receive 49 CFR section 172.704 training (DOT training) within 90 days of employment or assignment to the facility recommends. The 90-day training time limit is consistent with the DOT requirement in 49 CFR § 172.704.

DTSC Response:

DTSC has reviewed the comments and determined that no regulatory amendments are necessary. The proposed rulemaking relocates and restructures the existing personnel training requirements to align with the federal reorganization and will not alter the prescription of the existing requirement. The commenter's recommendation to add the DOT training time limit provision from 49 CFR § 172.704 is outside the scope of the rulemaking.

Comment: 1-7-4

Comment Summary: Personnel Training for Hazardous Waste Transfer, Treatment, Storage or Disposal facilities (TSDFs)

The commenter requests clarification about who the personnel training requirements in section 66262.17(a)(7) apply to. The commenter asks if the section training requirements intended to apply to hazardous waste TSDFs. The commenter believes that the section is not clear if the hazardous waste training requirements are intended to apply to a hazardous waste generator. Additionally, the commenter requests that the personnel required to be trained be specific to personnel handling and managing the hazardous waste at a generator's site.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. Proposed section 66262.17(a)(7) specifies that the "large quantity generator shall ensure that facility personnel successfully complete a training program..." This and all of section 66262.17 applies to LQGs specifically, not owners or operators of TSDFs that are permitted facilities. LQGs are not required to have a hazardous waste permit. Therefore, regulatory clarifications are not necessary. Additionally, the commenter's request for DTSC to consider limiting the personnel required to be trained to personnel handling and managing hazardous waste at a generator's site is outside the scope of this rulemaking.

### ***Comments Regarding Hazardous Waste Transport***

Comment: 1-1-9

Comment Summary: Transporting Over 200 Miles

The commenter recommends changing the title in proposed section 66262.16(c) to "Transporting 200 miles or more" since Health & Safety Code Section 25123.3(h)(1) provides a threshold of "200 miles or more."

DTSC Response:

DTSC has reviewed the comments and determined that regulatory amendments are necessary. DTSC agrees with the comment suggestion to change the subheading from "Transporting over 200 miles" to "Transporting 200 miles or more." The proposed subheading "Transporting over 200 miles" did not accurately align with the distance criterion of the small quantity generator transportation provision in the regulation, which is "200 miles or more." The subheading was modified to align with the distance criterion in the provision.

### ***Comments Regarding Generator ID and Notification***

Comment: 1-1-18

Comment Summary: Identification Numbers and Re-Notification for Small Quantity Generators and for Large Quantity Generators.

The commenter recommends amending the identification number requirement in proposed section 66262.18(f) to clarify that generators of universal waste below the applicable quantity are not required to obtain a U.S. EPA Identification Number.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The alternative management standards for universal wastes are in chapter 23 of title 22 CCR. DTSC will maintain the regulatory organization of alternative management standards within chapter 23. Therefore, DTSC will not add alternative management standards for universal wastes to chapter 12 that includes proposed section 66262.18.

Comment: 1-2-2

Comment Summary: U.S. EPA Identification Number

The commenter states that it would be helpful to hazardous waste generators for proposed section 66262.18 to include details concerning the type of U.S. EPA Identification Number (ID) that is appropriate for the various generator categories and the waste types generated.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The comment implies that DTSC should add a description in proposed section 66262.18 for each type of U.S. EPA ID number that a generator may apply for. The rulemaking proposes to relocate existing U.S. EPA ID number requirements from section 66262.12 to proposed section 66262.18. The comment refers to U.S. EPA ID number descriptions on DTSC's website as an example of the kind of ID number details that would be helpful for a generator to determine the type of ID number to apply for. The implied recommendation is not related to the GIR amendments proposed in this rulemaking and, therefore, is outside of the scope of this rulemaking.

Comment: 1-8-3

Comment Summary: Closure and Notification Requirements

The commenter requests that DTSC provide clarification about the types of units or containers expected to have documented closure per proposed section 66262.17(a)(8)(A). Additionally, the commenter requests clarification from DTSC about any changes in the CUPA's role in inspection and enforcement of a RCRA LQG closure as compared to a non-RCRA LQG closure.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC will provide future guidance to CUPAs on methods to implement and enforce the new closure requirements.

Comment: 1-8-4

Comment Summary: Re-notification

The commenter states that there is some duplication between the generator annual verification requirement and the requirement for hazardous waste generators to notify using EPA Form 8700-12. The commenter requests guidance on the CUPA's role in inspecting and enforcing the two requirements as they relate to a generator maintaining an active U.S. EPA ID number. Additionally, the commenter states that there is a significant bifurcation of RCRA and non-RCRA generator counting and paperwork requirements that will become more pronounced with the GIR adoption. This presents challenges to regulators that must consider two different sets of requirements when regulating hazardous waste generators. The commenter requests that DTSC continue to provide clarification on the expectations for CUPAs and generators regarding the waste counting requirements.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC will provide future guidance to CUPAs and generators on methods to address the new hazardous waste counting and re-notification requirements.

Comment: 1-9-1

Comment Summary: Identification Numbers and Re-Notification for Small Quantity Generators and for Large Quantity Generators.

The commenter states that the federal RCRA Info system is used by LQGs to comply with the Biennial Report requirement. However, if the proposed regulation requires LQGs to submit a Biennial Report and separately submit EPA Form 8700-12, the regulation would create duplicative work and add costs to generators. The commenter recommends that LQGs maintain a single method for reporting hazardous waste activities by using EPA Form 8700-12.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The new re-notification requirement provides LQGs with the federal option to use either the EPA Form 8700-12 or the Biennial Report for re-notification. The new requirement does not create duplicative work because the generator will be able to choose one of the two methods to comply with the Biennial Report requirement, rather than needing to use both methods to comply. DTSC will maintain the re-notification flexibility in the proposed regulation to align with the federal hazardous waste program.

### ***Comments Regarding Facility Closure***

Comment: 1-3-2

Comment Summary: New Large Quantity Generator Closure Requirements

The commenter requests that DTSC amendment proposed section 66262.17(a)(8) to clarify that closure documentation does not have to be maintained in the "operating record" since large quantity generators are not required to maintain an operating record.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. In proposed section 66262.17(a)(8), the "operating record" in the case of LQGs and SQGs is a collection of records maintained at a facility to demonstrate compliance with applicable hazardous waste requirements. The "operating record" referenced in the proposed regulations is not related to the operating record requirements for owners and operators of hazardous waste TSDFs. The proposed language is consistent with the analogous federal requirement. Therefore, no amendments to the language were made.

### ***Comments Regarding Other Requests and Corrections***

Comment: 1-3-3

Comment Summary: Add Definition on DTSC Website

The commenter requests that DTSC update the GIR section of its website so that it describes which definitions will be added and which ones will be modified.

DTSC Response:

The comment is not germane to the rulemaking. Therefore, no amendments to the language were made.

Comment: 1-4-1

Comment Summary: Typographical Error

The commenter states that proposed section 66262.15(a)(7) may have a typo or incorrect references to the SQG preparedness and prevention requirements and the emergency procedures requirements. Referenced sections 66262.16(b)(8) and 66262.16(b)(9) should be replaced by sections "66262.16(b)(6)" and "66262.16(b)(7)" that correctly reference the preparedness and prevention requirements and the emergency procedures requirements respectively.

DTSC Response:

DTSC has reviewed the comment and determined that regulatory amendments are necessary. DTSC agrees that the section references to the SQG preparedness and prevention requirements and the emergency procedures requirements are incorrect. Therefore, DTSC will amend the section references in the proposed regulations to correctly reference section 66262.16(b)(6) that contains the SQG preparedness and prevention requirements and section 66262.16(b)(7) that contains the SQG emergency procedures requirements.

Comment: 1-5-1

Comment Summary: Initial Statement of Reasons (ISOR) Reference

The commenter states that page 9 of the ISOR mistakenly references section 66262.34(d)(3) instead of section 66262.34(e)(3) when discussing the three types of hazardous waste.

DTSC Response:

DTSC has reviewed the comment and determined that no amendments to the ISOR are necessary. In the Initial Statement of Reasons explanation for adding the definition for non-acute hazardous waste on page 9, DTSC referenced the existing section 66262.34(d)(3) because the section SQG condition involved the holding of acutely hazardous waste and extremely hazardous waste as opposed to other hazardous waste. DTSC believes that referencing the SQG condition is an acceptable way to exhibit the different types of hazardous waste in the context of the explanation for adding the definition of non-acute hazardous waste.

Comment: 1-6-5

Comment Summary: Generator Improvements Rule Optional Provisions

The commenter concludes comments by stating that the GIR rulemaking package generally parallels the federal GIR. However, there are some exceptions such as the absence of less burdensome and less stringent VSQG requirements. Additionally, the commenter recommends adding optional, less stringent requirements of the federal GIR to California's hazardous waste program in an upcoming separate rulemaking. The commenter believes that the optional requirements reduce regulatory burdens and improves efficiencies for generators that are a limited risk to the environment.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. Adding the less stringent VSQG requirements and the optional federal GIR requirements are outside the scope of this rulemaking. These provisions may be considered for possible adoption in a future GIR rulemaking to adopt less stringent hazardous waste requirements.

Comment: 1-7-5

#### Comment Summary: Interpretive Guidance

The commenter requests that DTSC hold formal adoption of the GIR requirements until DTSC provides requested interpretation and guidance regarding the regulatory requirements. Failure to provide this interpretation and guidance to the regulated community prior to adoption of the GIR amendments will result in undue burden on businesses including:

- duplicating regulatory effort
- varying regulatory interpretations
- non-compliance and corresponding enforcement actions.

#### DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC intends the proposed regulations in this rulemaking to become effective upon the start date of the next fiscal quarter. DTSC anticipates that guidance regarding the new hazardous waste requirements will be provided prior to and after the effective date of the proposed regulations.

Comment: 1-10-4

#### Comment Summary: Household Hazardous Waste (HHW)

The commenter states that it is not clear how the regulations classify HHWs from tribal nations. Additionally, the commenter states concern that tribal HHWs or VSQG wastes will be subject to more stringent import requirements because hazardous wastes received in California from tribal nations, which are sovereign governments, would be considered imported hazardous waste. The commenter suggested regulatory amendments to exclude the applicability of household hazardous waste from certain hazardous waste regulations.

#### DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The suggested regulatory amendment is outside the scope of this rulemaking.

Comment: 1-10-6

#### Comment Summary: Reference for Exemption for Latex Paint and Oil-based Paint

The commenter suggests regulatory language that includes references to existing exemptions in Health and Safety Code for recyclable latex paint and oil-based paint.

#### DTSC Response:



DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The suggested regulatory amendments are outside the scope of this rulemaking.

Comment: 1-10-7

Comment Summary: Hazardous Waste Containment

The commenter suggests regulatory language that would allow a generator to place a container with hazardous waste that is in bad condition into a container in good condition. The commenter reasons that a generator may not be able to safely transfer waste from a bad container to a good container. The commenter suggests that placing the entire bad container into a good larger container would be safer.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter suggests a prescriptive amendment to the existing requirement. DTSC's inclusion of proposed section 66262.15(a)(1) in the rulemaking is only intended for relocating and restructuring the existing requirement to align with the analogous federal regulation. The suggested regulatory amendment is outside the scope of this rulemaking.

Comment: 1-10-19

Comment Summary: Mercury Containment

The commenter states that it could be safer to transfer the entire mercury containment device into an airtight container than transfer the mercury directly. The commenter suggests regulatory language that would allow a generator to place a containment device in bad condition into an airtight container in good condition.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter suggests a prescriptive amendment to this existing requirement. DTSC's amendments to section 66273.72 in the rulemaking are only intended to update references to align with the proposed regulatory amendments. The suggested regulatory amendments are outside the scope of this rulemaking.

### ***Comments in Support of the Rulemaking***

Comment: 1-7-1

Comment Summary: Introduction and Support

The commenter expresses appreciation for the opportunity to comment on DTSC's GIR rulemaking and provides some background about the commenter. The commenter

reviewed and supports the proposed GIR amendments. However, the organization's members would appreciate DTSC's consideration of their comments and questions.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. CCEEB provided introductory and background commentary. There are no recommendations in this commentary.

### **Summary of Objections and Recommendations during the 15-Day Comment Period (July 5 – July 20, 2023)**

DTSC grouped and summarized the comments according to the listed themes, presenting summaries and responses in each section.

#### ***Comments Regarding Satellite Accumulation Area***

Comment: 2-9-1

Comment Summary: Satellite Accumulation Area Accumulation Quantity Interpretation

The commenter requests that DTSC clarify if SAA standards allow generators to have multiple hazardous waste containers that do not exceed 55 gallons limit and to clarify if universal wastes are counted towards the quantity of hazardous waste accumulated in the SAA.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The proposed regulations allow generators to accumulate different wastestreams in an SAA up to the maximum allowed limit, 55-gallons of non-acute hazardous waste or one-kilogram/one-quart of acute hazardous waste or extremely hazardous waste. The proposed regulations do not prevent a generator from using multiple containers for incompatible hazardous waste at an SAA. The proposed regulations allow generators to accumulate different waste streams in SAA up to the max allowed limit, 55-gallons if liquid or one kilogram if solid. If multiple wastestreams are accumulated, generators are allowed to have multiple containers of hazardous waste at one SAA as long as the total quantity accumulated does not exceed the maximum allowed limit.

Universal waste streams are managed under alternative waste management standards in existing chapter 23 of title 22 that provide universal waste handlers an option to manage those wastes under less stringent requirements than full hazardous waste standards and are not applicable under the GIR.

Comment: 2-1-2

Comment Summary: Satellite Accumulation Area Requirements for Very Small Quantity Generators

The commenter requests that DTSC clarify in a new proposed section 66262.14 that VSQGs must comply with SQG and SAA requirements.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The California hazardous waste program does not include VSQG category, nor the related conditions for exemption. This comment is outside the scope of the 15-day proposed regulatory text.

Comment: 2-4-2

Comment Summary: Satellite Accumulation Area Time Limit

The commenter requests that DTSC consider eliminating the existing one-year accumulation time limit for hazardous waste within a SAA to align with the federal regulations that do not include the one-year SAA accumulation time limit.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request to amend the accumulation time for hazardous waste in the SAA is outside the scope of the 15-day proposed regulatory text.

***Comments Regarding Hazardous Waste Consolidation***

Comment: 2-3-2

Comment Summary: Quantity Threshold

The commenter suggests that DTSC amend the hazardous waste quantity threshold in sections 66263.45(e)(2) and 66263.46(b)(3) to align with proposed quantity threshold amendments to section 66268.1(e).

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC amended section 66268.1 to align with the federal VSQG definition that was modified as a result of the GIR. Quantity thresholds specified in sections 66263.45(e) and 66263.46(b)(3) apply to generators that generate non-RCRA hazardous waste only, but quantity thresholds specified in section 66268.1 apply to RCRA hazardous waste generated by small quantity generators.

## ***Comments Regarding Preparedness and Prevention***

Comment: 2-3-6

Comment Summary: Emergency Notification

The commenter requests that DTSC amend the regulatory language for emergency procedure in section 66262.16(b)(7)(D)3 regarding notifying the NRC, specifically in the event of a fire, explosion, or other release, because the requirements could result in an increase in NRC incoming calls.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request to amend the emergency procedure requirements specified in section 66262.16(b)(7)(D)3 is outside the scope of the 15-day proposed regulatory text.

Comment: 2-3-8

Comment Summary: Placement of No Smoking Sign

The commenter requests that DTSC amend the regulatory language for management of containers in Section 66262.17(a)(1)(F)2, specifically to address where the "No Smoking" sign should be placed.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request to amend the container management requirements specified in section 66262.17(a)(1)(F)2 is outside the scope of the 15-day proposed regulatory text.

Comment: 2-2-5

Comment Summary: Emergency response and contingency plan submission

The commenter reiterates the previous comment made during the 45-day comment period regarding the contingency plan submission to the local UPA through CERS. Additionally, the commenter opposes DTSC's decision to not amend the proposed regulatory text for the contingency plan requirements in Sections 66262.262(a) and (b).

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request to amend the contingency plan requirements specified in Section 66262.262(a) and (b) is outside the scope of the 15-day proposed regulatory text.

Comment: 2-3-4

Comment Summary: Emergency Procedure for Extinguishing Fire

The commenter requests that DTSC amend the emergency procedure for extinguishing fire in section 66262.16(b)(7)(D) to allow staff to extinguish fire only if the fire is at an incipient stage, the staff is trained, and it is safe to do so. Commenter believes that the requirement as specified in section 66262.16(b)(7)(D)1, regarding the use of a fire extinguisher, is outside the purview of U.S. EPA and DTSC to mandate the requirement.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request to amend the emergency procedure for extinguishing fire specified in section 66262.16(b)(7)(D) is outside the scope of the 15-day proposed regulatory text.

Comment: 2-3-5

Comment Summary: Emergency Procedure for Clean Up

The commenter requests that DTSC amend the emergency procedure in section 66262.16(b)(7)(D)2 to explicitly address facility personnel of a SQG for clean-up activities.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request to amend the emergency procedure requirements specified in section 66262.16(b)(7)(D)2 is outside the scope of the 15-day proposed regulatory text.

Comment: 2-2-6, 2-2-7, 2-2-8

Comment Summary: Quick Reference Guide for Large Quantity Generators

The commenter requests that DTSC clarify the allowance and submission of the Contingency Plan and associated quick reference guide to CERS, and provide guidance for how SQGs and LQGs can comply with contingency plan requirements.

DTSC Response:

The commenters' requests to clarify the allowance and submission of the contingency plan requirements and quick reference guide and to clarify and provide guidance for how generators can comply with contingency plan requirements is outside the scope of the 15-day proposed regulatory text changes. Additionally, SQGs are not subject to contingency plan requirements.

### ***Comments Regarding Transport***

Comment: 2-3-7

Comment Summary: Re-use of Containers for Transportation

The commenter requests that DTSC change the regulatory language for the management of containers in section 66262.17(a)(1)(D)2, specifically for compliance of the re-use of containers for transportation, because not all hazardous waste regulated in California is DOT regulated.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request to amend the regulatory language for containers management requirements specified in section 66262.17(a)(1)(D)2 is outside the scope of the 15-day proposed regulatory text.

### ***Comments Regarding Training***

Comment: 2-3-9

Comment Summary: Personnel Training

The commenter requests to change the regulatory language for LQG personnel training requirement in section 66262.17(a)(7)(A)1 regarding the provision of HAZWOPER training.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request to change the regulatory language for personnel training requirements specified in section 66262.17(a)(7)(A)1 is outside the scope of the 15-day proposed regulatory text.

Comment: 2-3-10

Comment Summary: Personnel Training for Department of Transportation

The commenter suggests to change the regulatory language for LQG personnel training requirement in Section 66262.17(a)(7)(A)1 regarding the provision of hazardous waste shipping training.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request to change the regulatory language for personnel

training requirements specified in section 66262.17(a)(7)(A)1 is outside the scope of the 15-day proposed regulatory text.

Comments: 2-3-11, 2-3-12

Comments Summary: Personnel Training Completion

The commenter interprets the regulatory language for the personnel training in section 66262.17(a)(7)(A)4 to mean that LQGs are required to conduct internal audits to ensure compliance with the training requirements and suggests that DTSC change the regulatory language for personnel training in section 66262.17(a)(7)(B) regarding the requirement for when facility personnel shall complete the training, by adding an exception that 49 CFR 172.704 training (when applicable) must be received within 90 days of employment or assignment to the facility.

DTSC Response:

DTSC has reviewed the comments and determined that no regulatory amendments are necessary. The commenter's request for personnel training requirements as specified in sections 66262.17(a)(7)(A)4 and 66262.17(a)(7)(B) is outside the scope of the 15-day proposed regulatory text.

### ***Comments Regarding Hazardous Waste Accumulation***

Comment: 2-3-13, 2-3-14

Comment Summary: Specific Requirements for Consolidation Operations

The commenter suggests that DTSC change the regulatory language in sections 66263.45 (e)(2) and 66263.46(b)(3) regarding Specific Requirements for Consolidation Operations from "less than" to "no more than" for the quantity of waste accumulation, because 100 kilograms is the threshold quantity for the hazardous waste collected from generators of non-RCRA hazardous wastes.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request for the language change in section 66263.45(e)(2) and section 66263.46(b)(3) is outside the scope of the 15-day proposed regulatory text.

### ***Comments Regarding Definitions***

Comment: 2-7-3

Comment Summary: Small Quantity Generator Definition

The commenter suggests that DTSC align the proposed SQG definition in section 66260.10 with the analogous federal definition.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request for DTSC to align the proposed SQG definition in section 66260.10 with the analogous federal definition is outside the scope of the 15-day proposed regulatory text.

Comment: 2-7-4

Comment Summary: Use Very Small Quantity Generator Definition for Land Disposal Restrictions (LDR)

The commenter suggests that DTSC use the new VSQG definition description for the LDR exemption requirements in section 66268.1 to align with the analogous federal regulation.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's suggestion for DTSC to use the new VSQG definition for the LDR exemption requirements in section 66268.1 to align with the analogous federal regulation is outside the scope of the 15-day proposed regulatory text.

Comment: 2-1-1

Comment Summary: Addition of Very Small Quantity Generator Parameters to Table 1 of Section 66262.13

The commenter states that inclusion of VSQG to the generator category table in section 66262.13 is meaningless without also the inclusion of U.S. EPA's conditions for exemption for a VSQG to California's GIR adoption.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendment is necessary. The commenter's statement that inclusion of VSQG to the generator category table in section 66262.13 is meaningless without also the inclusion of U.S. EPA's conditions for exemption for a VSQG to California's GIR adoption is outside the scope of the 15-day proposed regulatory text.

Comment: 2-2-9

Comment Summary: Addition of the Term Very Small Quantity Generator to Section 66262.13

The commenter requests that DTSC add the term very small quantity generator to section 66262.13 Generator Category Determination for hazardous waste generator category determination as



*“Section 66262.13. Generator Category Determination. A generator shall determine its generator category. A generator's category is based on the amount of hazardous waste generated each calendar month and may change from month to month. This section sets forth procedures to determine whether a generator is a very small quantity generator, small quantity generator, or a large quantity generator for a particular month, as defined in section 66260.10 of this division.”*

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request to add the term very small quantity generator under Section 66262.13 Generator Category Determination is outside the scope of the 15-day proposed regulatory text changes.

### **Comments Regarding Notification, Reporting, and Recordkeeping**

Comment: 2-2-12

Comment Summary: Change the Date for Re-notification

The commenter requests that DTSC amend the re-notification start year from 2023 to 2025 in Section 66262.18(d) for SQGs to begin submitting re-notifications using Form 8700-12.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request to amend the re-notification year for SQGs is outside the scope of the 15-day proposed regulatory text changes.

Comment: 2-2-13

Comment Summary: Waste Specific Biennial Reporting Requirements

The commenter requests to specify that biennial reporting requirements in section 66262.41(b) are only for RCRA hazardous waste, as defined in 40 CFR part 261 and not “any” hazardous waste.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request to specify that biennial reporting requirements in section 66262.41(b) are only for RCRA hazardous waste, and not “any” hazardous waste is outside the scope of the 15-day proposed regulatory text changes.

Comment: 2-6-2

Comment Summary: Recordkeeping Requirements for Hazardous Waste Determination

The commenter asks if DTSC intends to adopt federal language changes made to 40 CFR 262.11 regarding the recording/recordkeeping of the knowledge basis for waste determinations made based on generator knowledge.

DTSC Response:

DTSC has reviewed the commenter's question and determined that no regulatory amendments are necessary. The commenter's question to DTSC regarding the adoption of the federal recording/recordkeeping requirements in 40 CFR section 262.11 is outside the scope of the 15-day proposed regulatory text.

### ***Comments Regarding Labeling and Marking***

Comment: 2-6-1

Comment Summary: Request to Remove Regulatory Text

The commenter requests to delete the proposed regulatory text at section 66262.17(a)(5)(A)6. regarding LQG marking and labeling of containers because of the requirement seems to duplicate the requirement in section 66262.17(a)(5)(A)5.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request to remove the duplicative language in section 66262.17(a)(5)(A)(6) is outside the scope of the 15-day proposed regulatory text.

### ***Comments Regarding General Information and Correction***

Comments: 2-3-3, 2-4-1

Comments Summary: Wrong Reference and/or Citation Correction

The commenters self-correct the wrong references provided during the 45-day comment period and provides a citation correction for the comment email sent.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The comments are references corrections recommended by the commenter during the comment periods.

Comment: 2-6-3

Comment Summary: Rulemaking Timeline

The commenter asks for the anticipated timeframe for the adoption of the proposed regulations and when they go into effect.

DTSC Response:

DTSC has reviewed the commenter's question and determined that no regulatory amendments are necessary. The commenter's question to DTSC regarding the anticipated timeframe for this rule adoption is outside the scope of the 15-day proposed regulatory text.

Comment: 2-8-1

Comment Summary: Add Air Quality Standards References for Large Quantity Generators

The commenter requests that DTSC add more air quality standards references to the proposed large quantity generator air emissions standards regulation so that additional air quality laws and regulations apply.

DTSC Response:

DTSC has reviewed the comments and determined that no regulatory amendments are necessary. The commenter's request that DTSC add references to additional air quality standards is outside the scope of the 15-day proposed regulatory text.

Comment: 2-8-2

Comment Summary: Add Pollution Liability Insurance Requirements

The commenter requests that DTSC add pollution liability insurance requirements, such as how to maintain adequate coverage for hazardous waste management, reward system for compliance, and provide training on the insurance requirements, to the proposed regulations.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's request that DTSC add pollution liability insurance requirements to the proposed regulations, and provide reward systems for compliance and training on the insurance requirements is outside the scope of the 15-day proposed regulatory text.

### ***Comments in Support of the Rulemaking***

Comment: 2-2-1, 2-2-2, 2-2-3, 2-3-1, 2-5-3, 2-5-6, 2-7-1, 2-7-2, 2-7-5, 2-8-3

Comment Summary: Introduction and Support

This is the introductory language for the submission of comments during the GIR 15-day comment period. The commenters agree with DTSC's decision to adopt GIR requirements that are more stringent than existing California requirements.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. This is the introductory language and support for the submission of comments during the GIR 15-day comment period. DTSC appreciates the public support for the adoption of GIR regulations.

Comment: 2-5-2, 2-5-4, 2-2-14

Comment Summary: Support of the Rulemaking

The commenter thanks DTSC for the addition of VSQG parameters to Table 1 of section 66262.13(b) and the removal of section 66262.15(a)(6)(D) regarding SAA allowance provisions which are less stringent than the federal hazardous waste program.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC appreciates the gratitude shown by the commenter.

***Comments in Objection of the Rulemaking***

Comment: 2-2-4

Comment Summary: Opposes the Regulatory Text for Contingency Plan Requirements

The commenter opposes DTSC's decision not to change the proposed regulatory text for the contingency plan requirements in Sections 66262.262(a) and (b) during the 15-day comment period.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's opposition for contingency plan requirements specified in sections 66262.262(a) and (b) is outside the scope of the 15-day proposed regulatory text.

Comment: 2-2-10

Comment Summary: Objection of the Addition of Very Small Quantity Generator to Table 1 of Section 66262.13

The commenter opposes the addition of the VSQG threshold in Table 1 of section 66262.13 because the commenter believes that the addition of VSQG to Table 1 only addresses for generators that generate multiple wastestreams as specified in section 66262.13(b) and does not address for the generators that generate only one type of wastestream as specified in section 66262.13(a).

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. DTSC disagrees with the commenter's comment that Table 1 in section 66262.13 only addresses section 66262.13(b) scenarios. Section 66262.13(a) specifies when the generator generates one type of hazardous waste within one of the thresholds and zero or less than or equal to the threshold amounts noted for the other hazardous waste types. Section 66262.13(b) specifies hazardous waste counting when the generator generates multiple types of hazardous waste.

DTSC added VSQG and the related quantity criteria to Table 1 of section 66262.13 to parallel the adoption of the analogous federal generator category table in 40 CFR section 262.13. Table 1 applies to both subsection (a) and (b) of section 66262.13.

Comment: 2-2-11

Comment Summary: Objection to the Elimination of Satellite Accumulation Area Requirements in Section 66262.15(a)(6)(D)

The commenter opposes the elimination of the SAA requirements in proposed section 66262.15(a)(6)(D) that were previously proposed to be relocated from existing subsection 66262.34(e)(2). The requirements contain provisions for managing multiple incompatible waste streams in satellite accumulation areas.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The SAA allowance provision in proposed section 66262.15(a)(6)(D) was removed from the proposed regulations because DTSC determined that the existing California SAA allowance is less stringent than the federal hazardous waste program. The federal program allows a total of 55-gallons or one-quarter of hazardous waste to be accumulated in the SAA, not 55-gallons or one-quarter for each group of compatible wastestreams. This federal interpretation may be found in Federal Register 85732, Vol. 81, No. 228, November 28, 2016. The elimination of section 66262.15(a)(6)(D) is necessary for DTSC to maintain California's hazardous waste program equivalency with the federal hazardous waste program and its RCRA authorization to implement California's program in lieu of the federal program. The proposed regulations allow generators to accumulate different wastestreams in SAA up to the maximum allowed limit, 55-gallons of non-acute hazardous waste or one-kilogram/one-quarter of acute hazardous waste or extremely hazardous waste. The proposed regulations do not prevent a generator from using multiple containers for incompatible hazardous wastes at an SAA.

Comment: 2-5-1

Comment Summary: Comments Not Being Addressed

The commenter summarized the comments previously submitted during the 45-day comment period that were not addressed in the 15-day notice.

DTSC Response:

DTSC has reviewed the comments and determined that no regulatory amendments are necessary. The comments provided are a summary of comments previously submitted during the 45-day comment period that were not addressed in the proposed regulation in the 15-day notice. The comments are outside the scope of the 15-day proposed regulatory text.

Comment: 2-5-5

Comment Summary: Issues Concerned with the Rulemaking

The commenter expresses some concerns:

- Proposed VSQG definition of very small quantity generators with regards to Health and Safety Code section 25218.1 (q);
- Recognizing of universal waste exemptions or alternative standards for accumulations and labeling or marking of containers in section; and
- Allowing placement of compromised containers into a compatible container in lieu of transferring only the contents.

DTSC Response:

DTSC has reviewed the comment and determined that no regulatory amendments are necessary. The commenter's concerns about the inconsistency in the definition of VSQG to that of the definition in the Health and Safety Code section 25218.1(q), reorganization of universal waste or alternative standards for accumulation, labeling or marking of containers, and allowing for the management of comprised containers are out of scope of the 15-day proposed regulatory text.

### **List of Commenters and their Affiliations**

The tables below provide a complete list of commenters, their affiliations, and the number DTSC assigned to their comment. Most of the comment letters cover more than one theme. To organize the comments, DTSC numbered individual comment letters, as shown, then assigned a number to each individual comment. For example, the number "13-3" refers to the third comment in the letter numbered 13.

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**Table 2: List of Commenters during the 45-Day Comment Period (March 24, May 3, 2023)**

#	Commenter	Affiliation
1-1	Earl Thomas QISP	Safety Compliance Management
1-2	Larry Moothart	Belshire Environmental Services, Inc.
1-3	Kelley Etherington	Lawrence Berkeley National Lab
1-4	John Misleh	County of San Diego
1-5	Jonathan Blazo	Lawrence Livermore National Lab
1-6	Dedra Williams	J.R. Simplot Complot
1-7	Dawn Koepke	California Council for Environmental & Economic Balance
1-8	Apollonia Helm	San Mateo County Environmental Health Services
1-9	Brian Gonzalez	Los Angeles Department of Water and Power
1-10	Staci Heaton	Rural Counties Environmental Services Joint Powers Authority

**Table 3: List of Commenters during the 15-Day Comment Period (July 5 – July 20, 2023)**

#	Commenter	Affiliation
2-1	Katherine Bonner / James T. Dufour	Defour Law
2-2	Dawn Koepke	California Council for Environmental & Economic Balance
2-3	Earl Thomas Qisp	Safety Compliance Management
2-4	Larry Moothart	Belshire Environmental Services, Inc.
2-5	Larry Sweetser	Rural County Representatives of California
2-6	Joe Kohler	Joe Kohler
2-7	Jonathan Blazo	Lawrence Livermore National Laboratory
2-8	Peggy Nguyen	Department of Toxic Substances Control
2-9	Justin Wilhelm	Naval Weapons Station Seal Beach