HAZARDOUS WASTE
TIERED PERMITTING
COMPLIANCE REFERENCE

This reference contains a brief description of laws and regulations as they apply to Conditionally Exempt, Conditionally Authorized, and Permit by Rule tiered permit facilities in the state of California. This reference document was created to supplement the Los Angeles County CUPA's Tiered Permitting Inspection Report. Item numbers on this document correspond to the Inspection Report.

Legal references
Chap. 6.5 Health and Safety Code, Div. 20 (HSC)
Title 22 California Code of Regulations, Div. 4.5(CCR)
Los Angeles County Code (CO ORD)

Internet addresses
www.leginfo.ca.gov/calaw.html
www.calregs.com

CESQT: **Conditionally Exempt – Small Quantity** *(treat less than 55 gallons or 500 pounds in a calendar month*)
CEL: **Conditionally Exempt – Limited** *(oil/water separators)*
CESW: **Conditionally Exempt – Specified Wastes** *(containers, neutralizing, resins, drying, gravity with floc, magnetic separation*)
CA: **Conditionally Authorized** *(less than 750 ppm, 5,000 gallons, or 45,000 pounds in a month)*
PBR: **Permit by Rule** *(non-RCRA or RCRA exempt, on site, in containers or tanks)*

ALL HAZARDOUS WASTE TREATMENT FACILITIES

Item No.	Code Section	Description
100.	HSC 25201.5 [CE] HSC 25200.3 [CA] CCR 67450.11 [PBR]	**Eligibility** – Determine eligibility for the tiered permitting program. See Attachment A for details.

101.	CO ORD 12.50.075 12.50.115 HSC 25201.5(d)(7) [CE] 25200.3(e)(1) [CA] CCR 67450.2(b) and 67450.3(c) [PBR]	**Unified Program Permit** – Every person, business, or business concern within the jurisdiction of the Los Angeles County Certified Unified Program Agency (LACoCUPA) and subject to the requirements of the tiered permitting program element shall be required to obtain annually from the LACoCUPA a unified program facility permit for the tiered permitting program element applicable to such facility. **Notification** – The generator shall complete and submit a notification to the LACoCUPA at least 60 days before start of treatment operation. This includes the following Unified Program (UP) forms: ☐ Business Activities page; ☐ Business Owner/Operator Identification page; ☐ Onsite Hazardous Waste Treatment Notification - Facility page; ☐ Onsite Hazardous Waste Treatment Notification - Unit Page and attachments; ☐ Certification of Financial Assurance for PBR and CA Onsite Treatment facilities.
102.	HSC 25201.5(i) [CE] HSC 25200.3(k) [CA] CCR 67450.3(c)(2) [PBR]	**Notification changes reported** – An amended notification must be submitted to the CUPA within 30 days of any change in operation that necessitates revision. PBR facilities must also submit notification and all related documents to the CUPA annually.
103.	HSC 25201.5(d)(9) [CE] HSC 25200.3(f) [CA] CCR 66265.13 as referenced by 67450.3(c) (9)(A) [PBR]	**TP unit verification** – Sample at appropriate sample points, analyze for applicable tier parameters. See Attachments B and C for details.
104.	HSC 25201.5(a) [CE] HSC 25200.3(a) [CA] CCR 67450.11 as referenced by 67450.3(c)(4) [PBR]	**Eligible wastes and processes** – Types of waste and treatment methods must be appropriate for the tier being reported. See Attachment D.
105.	HSC 25201.5(d)(4,5) [CE] HSC 25200.3(c)(5) [CA]	**Inspection schedule and log (CA and CE)** – The generator must prepare and maintain onsite: ☐ A written inspection schedule; ☐ A log of inspections conducted.

	CCR 66265.15 (b) as referenced by 67450.3(c)(8)(B) [PBR]	**Inspection schedule and log (PBR)** – The generator must develop and implement a written inspection schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards. The inspection schedule must indicate the types of problems to be looked for (e.g. inoperative pump, leaking fitting, eroding dike, etc.). The inspection schedule must indicate the frequency of inspection. The frequency may vary for the items on the schedule and should be based on the probability of an incident occurring. Areas subject to spills, such as loading and unloading areas, shall be inspected daily when in use. At a minimum, the inspection schedule shall include the following items (if applicable): *Container storage areas – inspect weekly (66265.174):* ☐ Inspect for leaking or deteriorating containers. *Tank systems – inspect daily(66265.195):* ☐ Inspect daily overfill/spill control equipment (e.g., waste-feed cutoff systems, bypass systems, and drainage systems) to ensure that it is in good working order; ☐ Inspect daily the aboveground portions of the tank system for corrosion or leaks; ☐ Review daily data gathered from monitoring equipment and leak detection equipment, (e.g., pressure and temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; ☐ Inspect daily the area surrounding the tank system, including secondary containment structures, to detect erosion or signs of releases (e.g., wet spots, dead vegetation); ☐ Inspect daily the level of waste in uncovered tanks to ensure sufficient freeboard; ☐ Inspect cathodic protection systems annually. Inspect sources of impressed current bimonthly. *Note: The inspection items listed above are for the more commonly encountered treatment equipment (tanks and containers). Other regulations may apply depending on the type of treatment system used (e.g., waste piles, air emission standards). To reference these items, see CCR66265.15 (b)(4).* <u>Inspection log records</u> must include: ☐ Date and time of the inspection; ☐ Name of the inspector; ☐ Observations made during the inspection; ☐ Date and nature of any repairs or remedial action. ☐ Inspection records must be retained for a period of three years

106.	HSC 25201.5(d)(9); (e)(1) [CE] HSC 25200.3(c)(4) [CA] CCR 67450.3(c)(9)(E) and (F) [PBR]	**Tank and container management standards –** *Note: The following are general requirements. There are specific requirements pertaining to SQG, LQG, tier type, type of waste (i.e., RCRA), and age of tanks. See Tank Systems Guidance Document (Attachment E).* Meet generator container management standards: ☐ Storage time limits; ☐ Closed; ☐ Labeled; ☐ Compatibility; ☐ Inspected weekly; ☐ In good condition. Meet tank management standards: ☐ Either secondary containment or integrity assessments; ☐ Storage time limits; ☐ Labeled; ☐ Compatibility; ☐ Inspected daily; ☐ In good condition.
107.		**Other violations** – see page 8

CONDITIONALLY EXEMPT/CONDITIONALLY AUTHORIZED

110.	HSC 25201.5(d)(3,5) [CE] HSC 25200.3(c)(6,7) [CA]	**Operating instructions/records**– **For CE:** The generator must prepare and maintain written operating instructions. The generator must keep a record of the dates, amounts, and types of wastes treated. This record must be maintained onsite for a minimum of three years. **For CA:** The generator must prepare and maintain written operating instructions. The instructions shall include directions on: ☐ How to operate the treatment unit(s) and carry out waste treatment; ☐ How to recognize potential and actual process upsets and respond to them; ☐ When to implement the Contingency Plan; ☐ How to determine if the treatment has been effective; ☐ How to manage residuals of waste treatment. The generator must keep a record of the dates, concentrations, amounts and types of wastes treated. This record must be maintained onsite for a minimum of five years.

111.	CCR 66265.191 as referenced by HSC 25201.5(e)(1) [CE] HSC 25200.3(c)(4) (A) [CA]	**Ancillary equipment** – Secondary containment is not required for ancillary tank or container equipment if, every 2 years, an independent certified professional engineer reviews and certifies a written assessment attesting to the equipment's integrity.
112.	HSC 25201.5(d)(8) [CE] HSC 25200.3(g) [CA]	**Closure** – Upon terminating operation of the treatment unit, the generator must: ☐ Remove or decontaminate equipment, waste residues, containment systems, soils and structures. ☐ Submit a written notification to the CUPA and DTSC after all closure requirements are met.
CONDITIONALLY AUTHORIZED/PERMIT BY RULE		
120.	HSC 25200.3(c)(1) [CA] CCR 66265.14 as referenced by 67450.3(c)(9)(A) [PBR]	**Security** – If a facility cannot demonstrate that unauthorized entry could cause injury or a violation, the following must be provided: ☐ A 24-hour surveillance system which continuously monitors and controls entry onto the facility or artificial/natural barrier which controls entry onto the facility. ☐ Signs stating, "DANGER HAZARDOUS WASTE AREA - UNAUTHORIZED PERSONNEL KEEP OUT," or equivalent.
121.	CCR 67450.3(c)(9) [PBR] HSC25200.3(c)(4) [CA]	**Secondary containment –** *Note: The following are general requirements. See the Tank System Guidance Document for additional specific information and applicability.* Secondary containment is required for most tank systems. It must: ☐ Be free of leaks and/or cracks; ☐ Be of sufficient capacity to contain precipitation from at least a 24-hour, 25-year storm, plus 10% of the aggregate volume of all containers or the volume of the largest container, whichever is greater; ☐ Protect containers from contact with accumulated liquid. **Integrity testing** – Tank systems that do not have secondary containment must be integrity tested. A written integrity assessment certified by registered professional engineer shall be kept on file at the facility. **Containment** – Spills, leaks, or accumulated liquids must be removed from the containment area within 24 hours.

122.	HSC 25200.3(c)(3) [CA] HSC 25200.14(b)(1) [CA and PBR] CCR 67450.3(c)(8)(H) [PBR] CCR 67450.7 [PBR]	**Phase I assessment** – The owner/operator of the facility must complete and file a Phase I environmental assessment within one year of receiving the permit. Any update must be filed during the next regular reporting period. DTSC Form 1151 "Phase I Environmental Checklist" may be used to fulfill this requirement. *(Exceptions: This requirement does not apply to a facility that conducted or is conducting a site assessment in accordance with an order issued by a state or federal law enforcement agency, or conducting an assessment for other purposes within three years prior to the submittal date.)*
123.	CCR 67450.13(a) [CA] [PBR]	**Financial assurance** – Financial assurance must be provided as follows: ☐ The facility must prepare a written estimate of the cost of closing the unit; ☐ The closure cost estimate must be adjusted for inflation by March 1 of each year; ☐ The closure cost estimate must be revised whenever a change occurs that increases the cost of closure ☐ Financial assurance for closure for each treatment unit must be obtained through one or more of the following methods: ☐ Closure trust fund; ☐ Surety bond guaranteeing payment into a closure trust fund; ☐ Closure letter of credit; ☐ Closure insurance; ☐ Financial test and corporate guarantee for closure; ☐ Alternative financial mechanism for closure costs; ☐ Self-Certification, if the closure cost estimate is less than $10,000 [67450.13(d)]. ☐ A copy of the latest closure cost estimate and adjusted estimate must be maintained at the facility during the operating life of the facility.
124.	CCR 67450.13(a)(2) [CA] [PBR]	**Closure cost adjustment** – The closure cost must be adjusted by March 1 of each year by using an inflation factor derived from the annual Implicit Price Deflator for the Gross National Product as published by the U.S. Department of Commerce. LACoCUPA makes this a part of the Annual Notification renewal package.
PERMIT BY RULE		
130.	CCR 67450.3(c)(7) [PBR]	**Marking** – The exterior of each treatment unit must be marked with: ☐ The name of the person/facility (i.e. legal entity) that owns the tank/unit; ☐ The facility's EPA ID number; ☐ The tank/unit's individual serial number.
131.	CCR 67450.2(b)(3)(G) [PBR]	**Written operating instructions for PBR** – This requirement for PBR can be met by providing the following information on the Notification-Unit Page: ☐ Identification of the waste treatment processes to be used; ☐ The quantity of influent waste; ☐ The quantity of treatment effluent and disposition of residuals; ☐ A description of how the treatment unit operates (continuous, batch, intermittent); ☐ The hours of operation.

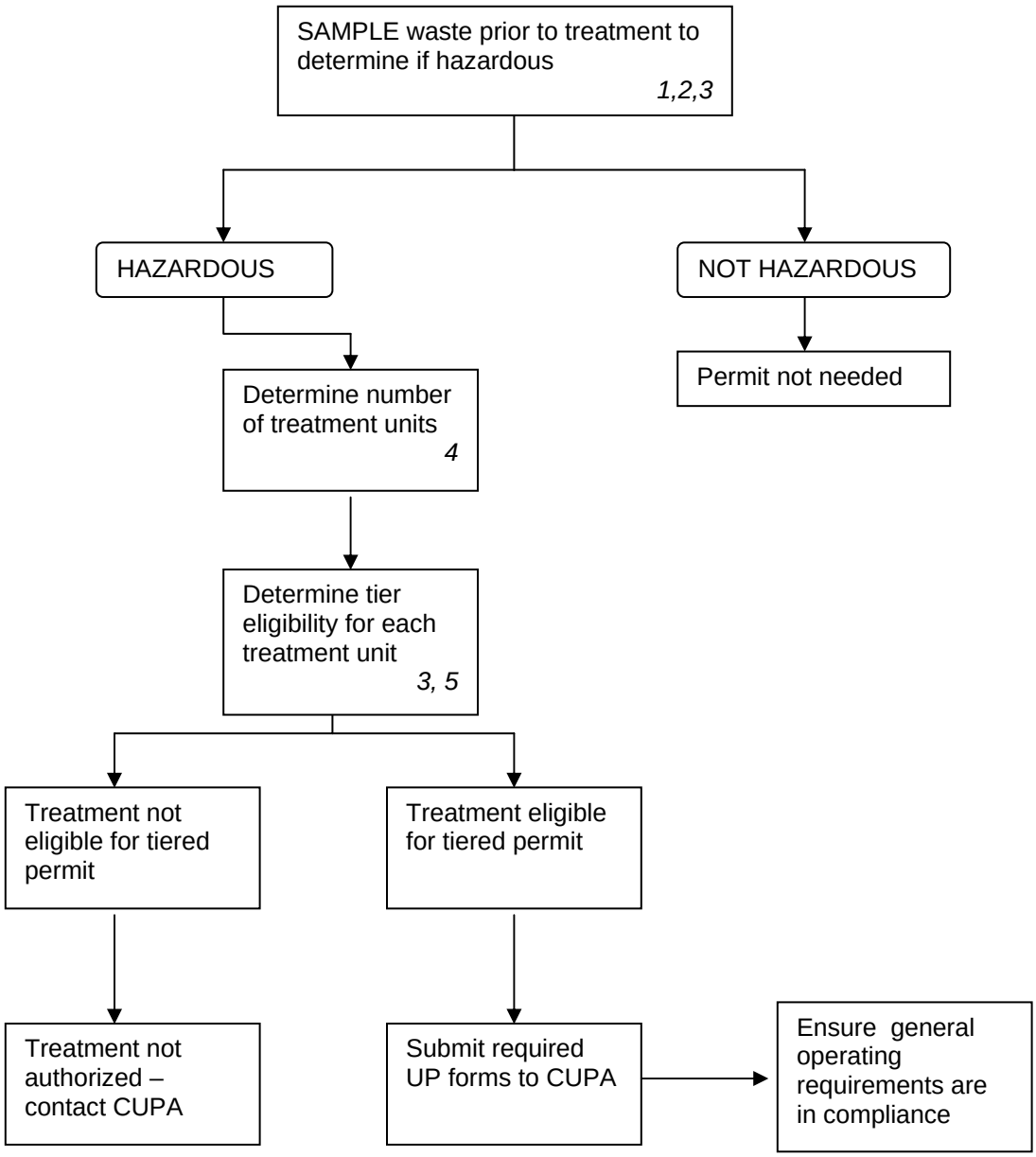
132.	CCR 66265.13(b) as referenced by 67450.3(c)(8)(A) [PBR]	**Waste analysis plan** – A written waste analysis plan must be developed and implemented. At a minimum, the plan must containing the following information: ☐ Parameters to be analyzed and rationale for selection of those parameters; ☐ Test methods to be used in the analyses, ☐ Sampling methods to be used to obtain a representative sample; ☐ Frequency of analysis.
133.	CCR 67450.3(c)(1) [PBR]	**Annual notification forms –** Form packages are sent out by LACoCUPA by March 15 of each year. These forms include: Business Owner/Operator Identification; Business Activities; Onsite Hazardous Waste Treatment Notification (Facility and Unit); and Certification of Financial Assurance (closure cost adjustment – see #124).
134.	CCR 67450.3(c)(10) [PBR]	**Annual report** – Facilities must submit an annual report *when it is requested* by the LACoCUPA. The following information must be included for each unit: ☐ The quantity of wastes treated; ☐ The composition of the wastes; ☐ Treatment method ☐ The quantity and composition of waste discharged to the POTW ☐ The hazard characteristics and disposition of residual waste *Note: LACoCUPA does not require annual submittals. This will be required if the inspector requests it.*
135.	CCR 67450.3(c)(11)(B) 67450.3(c)(8)(G) [PBR]	**Closure** – The facility must have a written closure plan which includes: ☐ A description of how and when each unit will be closed; ☐ An estimate of maximum inventory of waste in storage and in treatment at any time during the operation of the unit; ☐ Procedures for decontamination of equipment; ☐ Expected year of closure; ☐ Estimated time required to close each unit. The plan must be kept on-site and available for review upon inspection.
136.	CCR 67450.3(c)(11) (D) [PBR]	**Closure –** All hazardous waste must be removed within 90 days after last waste treatment.
137.	CCR 67450.3(c)(11) (E) [PBR]	**Closure** – All closure activities must be completed within 180 days after treating the final volume of hazardous waste. This time restriction can be extended – see regulation for provisions.
138.	CCR 67450.3(c)(11) (F) [PBR]	**Closure –** The CUPA and must be notified at least 15 days prior to completion of closure.
139.	CCR 67450.3(c)(11) (G) [PBR]	**Closure** – After completion of closure, a certification signed by the owner or operator and by an independent professional engineer (registered in California) must be submitted. This certification must state that the closure has been completed in accordance with the closure plan, and that the closure plan meets or exceeds the regulatory requirements.

OTHER VIOLATIONS (107)		
A.	CCR 67450.11 (d)(2) [PBR]	**Cyanide Treatment*–** Eligible aqueous waste streams containing cyanide are, as follows: ☐ (A) Aqueous wastes from rinsing workpieces and fixtures ☐ (B) Aqueous wastes from reverse osmosis or the regeneration of demineralizer (ion exchange) columns at facilities with zero discharge ☐ (C) Aqueous wastes from rinsing containers, pumps, hoses, and other equipment used to transfer cyanide solutions onsite ☐ (D) Aqueous waste from the following onsite recycling activities: -rinsing spent anode bags prior to onsite reuse -rinsing empty containers prior to onsite reuse ☐ (E) Aqueous waste from onsite laboratories ☐ (F) Spent solutions managed in accordance with the requirements of § 67450.11 (d) (6) ☐ (G) Spent solutions managed in accordance with the requirements of § 67450.11 (d) (7)
	CCR 67450.11 (d)(3)-(d)(7) [PBR]	**Cyanide Treatment*–** Eligible treatment methods of aqueous waste streams containing cyanide are, as follows: ☐ Oxidation by addition of hypochlorite (bleach) ☐ Oxidation by addition of peroxide or ozone, with or without the use of ultraviolet light ☐ Alkaline chlorination ☐ Electrochemical oxidation ☐ Ion exchange ☐ Reverse Osmosis ☐ Electrowinning (only for metal recovery) ☐ Slow bleeding to the queous solutions in waste streams (A) and (C)
	CCR 67450.11 (d)(7)(A)-(E) [PBR]	**Additional Requirements for Dilution of Process Solutions:** ☐ Total cyanide concentration is limited to 5,000mg/L (or ppm) after dilution ☐ Written approval from the agency operating the POTW ☐ Waste analysis plan (cyanides) ☐ The residual solids removed are recycled by a facility that recovers metals including documentation ☐ By January 30-Prepare justification statement when residuals are not recycled for the previous calendar year ☐ Records maintained at the facility for 3 years
	CCR 67450.11 (d)(4) [PBR]	**For all Cyanide Treatments under PBR:** ☐ Comply with Best Management Requirements ☐ Employee training (initial and annual training to employees who handle cyanide process solution, cyanide rinse waters, or manage cyanide waste ☐ Evaluate non-cyanide alernatives every 4 years *All eligible treatment methods of cyanide are under Permit by Rule (PBR). Non-aqueous cyanide containing waste may not be treated. Please refer to DTSC Onsite Tiered Permitting Flowchart for additional information.

B.	CCR 67450.7 [PBR]	**Corrective Action Requirements for facilities Operating Under Permit by Rule*–**An owner or Operator of a facility who operates a transportable treatment unit (TTU) or fixed treatment unit (FTU) under permit by rule must complete a corrective action program at the facility. Corrective action must consist of a phase I environment assessment developed pursuant to HSC § 25200.14. Subsequent corrective action must be conducted in accordance with requirements in CCR § 68400.16 *Note: Permit by Rule (PBR) facilities going through closure must enter into a **Consent Agreement** with the Site Mitigation Unit (SMU) of the Health Hazardous Materials Division to assess and mitigate potential contamination and related hazards at the facility or site. For additional information, please see SMU web page: http://fire.lacounty.gov/HealthHazMat/HHMDSiteMitigation.asp

ATTACHMENT A

TIERED PERMITTING: ELIGIBILITY DETERMINATION



REFERENCES

LACoFD resources (lacofd.org)

1. *Hazardous Waste Analysis Fact Sheet (FS)*
2. *State Certified Laboratory List*
3. *Tiered Permitting: Sample Location FS*
4. *Tiered Permitting: Unit Determination FS*
5. *Tiered Permitting: Flowchart Instructions FS*

State resources (dtsc.org)

Hazardous Waste Facility Permits Fact Sheet
Operating Under Permit by Rule Fact Sheet

ATTACHMENT B

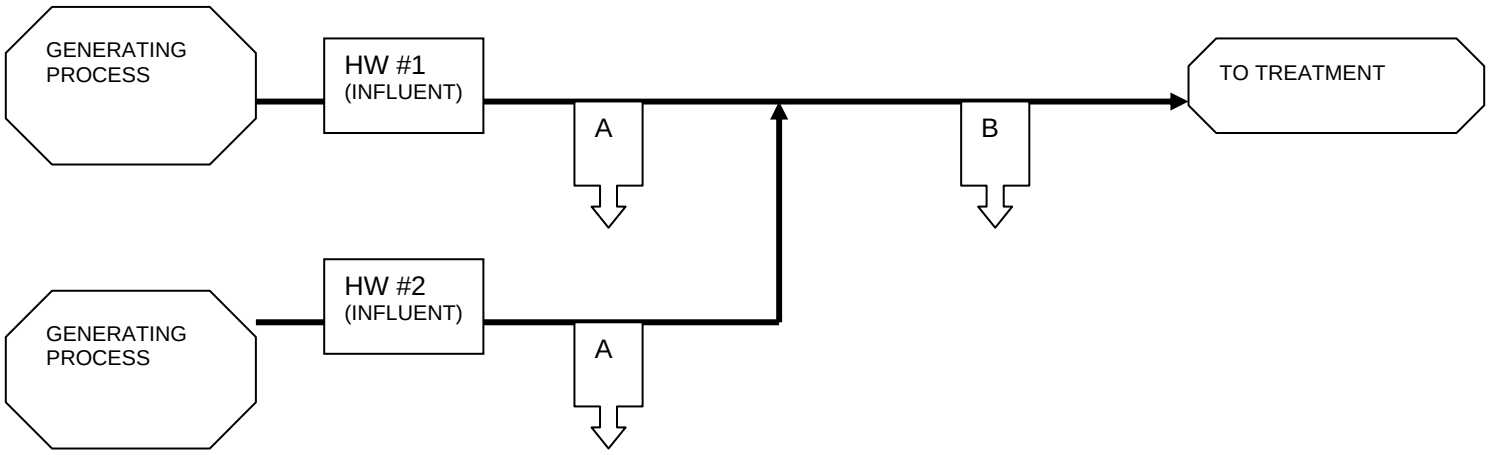
TIERED PERMITTING: SAMPLE LOCATION FACT SHEET

To determine if treatment of hazardous waste is authorized under the tiered permitting program, the chemical composition of the untreated waste must be known. The chemical waste profile will provide information necessary to determine which tier the treatment is permitted to operate under.

More than one sample point may be needed, depending on the treatment influent process flow. Sample points include:

1. The exit point from a generating process when it first becomes a hazardous waste and before it is treated. Refer to sample point "A" on the diagram.

2. If wastes are commingled prior to treatment, waste must be sampled after commingling as well. Blending of differing waste types will most likely result in a change in the chemical composition of the waste. Refer to sample point "B" on the diagram.



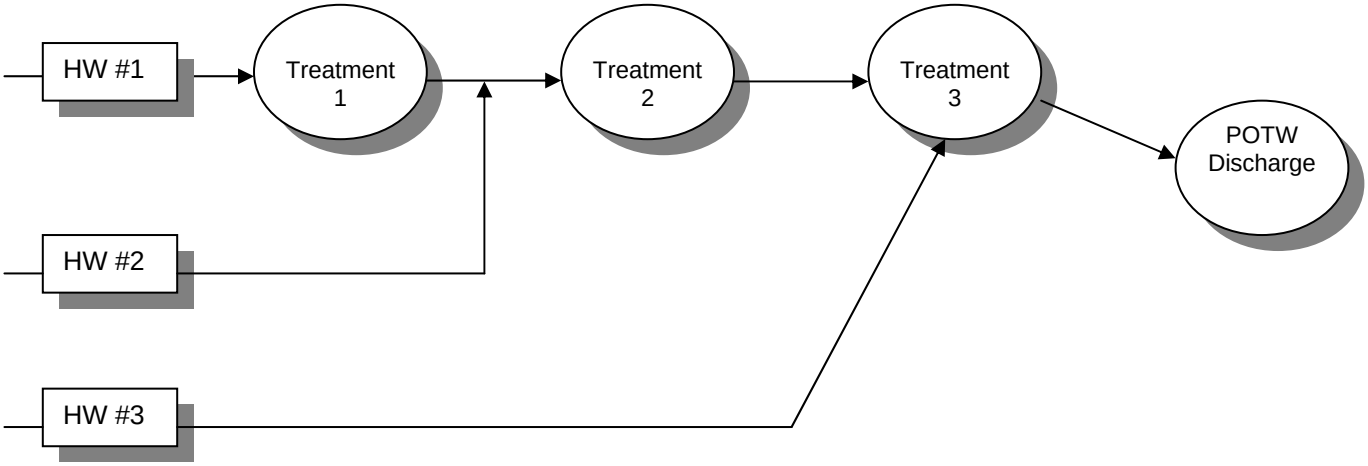
Note: It is important to refer to the Hazardous Waste Analysis Fact Sheet to ensure that proper sampling techniques and analytical methods are utilized.

ATTACHMENT C

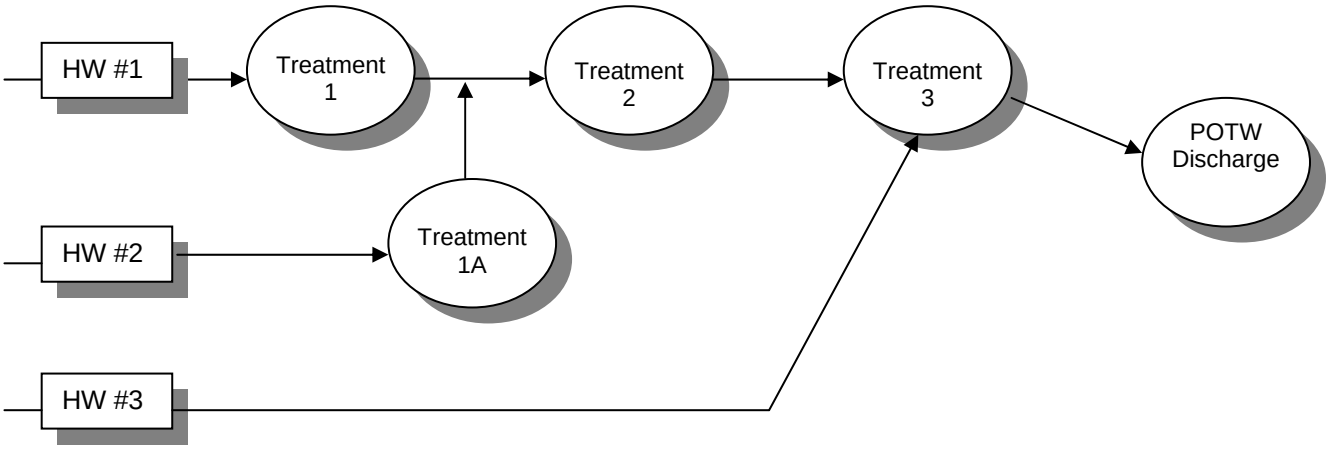
TIERED PERMITTING: UNIT DETERMINATION FACT SHEET

A treatment unit is a series of connected devices. It is important to determine how many units are used in the treatment process because permit notification is reported per unit.

One Unit This is one unit because treatment is in sequence even though additional untreated wastes are being added at various points:



Two Units This is two units because treatment is not in sequence. Additional treated wastes are being added at various points:



ATTACHMENT D

1	Aqueous waste with chromium VI
2a	Aqueous waste with metals
2b	Aqueous waste with metals
3a	Aqueous waste with organic compounds, not listed and containing <10% TOC and <1% VOC
3b	Aqueous waste with listed organic compounds
4a	Sludges (wastewater treatment and other types), solid metal objects, workings (containing or contaminated with metals)
4b	Wastewater treatment sludges, solid metal objects, metal workings containing or contaminated with metals; dusts containing ≤750 ppm metal
5	Alum, gypsum, lime, sulfur, or phosphate sludges
6	Listed waste which meets the criteria and requirements for classification as special waste
7a	Special wastes
7b	Special wastes
8a	Inorganic acid or alkaline waste
8b	Corrosive waste from regeneration of ion exchange residues (used to demineralize water)
8c	Acid/alkaline waste corrosive due to presence of food products and generated by SIC group 20
8d	Acid/alkaline wastes from laboratory
8e	Acid/alkaline wastes from Biotechnology manufacturing or process by specified SIC code subgroups
9	Soils contaminated with metals
10a	Used oil, unrefined oil waste, mixed oil, oil mixed with water or oil/water separator
10b	Oil mixed with water or oil-water separation sludge
10c	Used oil mixed with water
11a	Containers (non-absorptive) ≤110 gallon capacity
11b	Aerosol cans
12	Resins
13	Photographic waste
14	Dry cleaning waste
15	Commercial laundry
16a	Laboratory waste
16b	QA/QC Laboratory
17	Wastestream/Technology combination certified by DTSC
18	Technology certified by DTSC
19	Consolidation from remote sites

TIERED PERMITTING: FLOWCHART INSTRUCTIONS

The “Onsite Tiered Permitting Flowchart” was created by DTSC as a visual reference to help determine which tier each waste treatment falls under. Use these instructions in conjunction with the DTSC flowchart which can be found online at

http://www.dtsc.ca.gov/HazardousWaste/upload/onsite-tiered-permitting-flowchart.pdf

1. Profile waste prior to treatment.
2. Look up waste type in the box on the left. Use the reference number to find that waste on the Flowchart.
3. Check volume of waste going into the treatment system (influent) – tier determination may be dependant upon volume treated.
4. Check the concentration of the waste influent – tier determination may be dependant upon concentration
5. Find the appropriate tier on the Flowchart.
6. Submit notification forms for each unit to the CUPA.

OTHER:

Transportable Treatment Units – flowchart, page 22
PBR Collection Facilities – flowchart, page 23