INTRODUCTION

The Department of Toxic Substances Control (DTSC) developed this fact sheet to assist owners and operators of fixed treatment units (FTUs) in complying with Conditional Authorization (CA) laws and regulations. CA laws and regulations are part of a tiered permitting system for hazardous waste treatment in California. This fact sheet describes the requirements for owners or operators who would like to treat hazardous waste under the CA tier.

This fact sheet applies to FTUs only, since Transportable Treatment Units (TTUs) are ineligible to operate under CA. This fact sheet supersedes the 1996 CA fact sheet and includes the revised definition of the term “treatment.” Definitions of the terms used in this fact sheet are listed on pages 9 through 12.

You may contact your local Certified Unified Program Agency (CUPA) for additional information and instructions since the CUPA is responsible for reviewing notification forms from businesses located within its jurisdiction. A list of CUPA addresses and phone numbers is available on the California CUPA web site at www.calcupa.net/localagencylisting.pdf, and on the California Environmental Protection Agency (Cal/EPA) web site at www.calepa.ca.gov/CUPA/CUPAMail.htm.

Background on California’s Tiered Permitting System

The Wright-Polanco-Lempert Hazardous Waste Treatment Permit Reform Act of 1992 established a five-tiered program for authorizing the treatment and storage of
hazardous waste at many businesses required to have State authorization, but not federal authorization (i.e., authorization under the federal Resource Conservation and Recovery Act (RCRA)). This five-tiered program matches the regulatory requirements to the degree of risk posed by the facility’s activities.

The permitting tiers consist of: Full Permit, Standardized Permit, Permit by Rule (PBR), Conditionally Authorized (CA), and Conditionally Exempt (CE). They are arranged in descending order of regulatory oversight.

- **The Full Permit tier** allows treatment and storage of RCRA and California only (non-RCRA) hazardous waste pursuant to Title 40, Code of Federal Regulations (C.F.R.), parts 264 and 270, and California Code of Regulations, title 22, section 66264.1 et seq., and section 66270.1 et seq. It includes all facilities requiring a RCRA permit (such as incinerators and land disposal facilities), and selected non-RCRA activities.

- **The Standardized Permit tier** allows offsite treatment and storage of non-RCRA and RCRA-exempt hazardous waste (Health & Saf. Code §25201.6). It includes, but is not limited to, recyclers, oil transfer stations, and precious metals recyclers.

- **The PBR tier** allows onsite treatment of non-RCRA and RCRA-exempt hazardous waste (Cal. Code Regs., tit.22, §67450.11). This tier is for more hazardous and higher volume wastestreams and processes than the two lower tiers.

- **The Conditionally Authorized tier** allows onsite treatment of non-RCRA and RCRA-exempt hazardous waste (Health & Saf. Code §25200.3). This tier is limited to single-hazardous wastes and treatment in the unit cannot exceed 5,000 gallons or 45,000 pounds in a calendar month. However, there is no volume limit for treatment of specified dilute aqueous, acidic, alkaline, or oily wastes.

- **The Conditionally Exempt tier** allows onsite treatment of non-RCRA and RCRA-exempt hazardous waste (Health & Saf. Code §25201.5(a) and (c), §25201.14 and §25144.6(c)). This tier is for smaller quantities or less risky waste and treatment methods. It includes Conditionally Exempt-Small Quantity Treatment, Conditionally Exempt-Specified Wastestreams, Conditionally Exempt-Commercial Laundries, and Conditionally Exempt-Limited.

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**Am I eligible to treat waste under CA?**

You are eligible to treat waste under CA if both your wastestream and treatment process are listed in Health and Safety Code section 25200.3. A list of those wastestreams and treatment processes is included in this fact sheet on pages seven through ten. Additionally, to be eligible:
• You may treat no more than a total volume of 5,000 gallons, or 45,000 pounds per unit, in any calendar month. However, there are no volume limits for the treatment of specified dilute aqueous, acidic, alkaline, or oily waste;
• You may only treat waste that is generated onsite and treatment must occur in tanks or containers;
• You may treat only by methods listed in the Health and Safety Code section 25200.3;
• You may not treat waste that is reactive or extremely hazardous;
• You may not treat waste that requires a federal hazardous waste treatment permit under RCRA; and
• You may not treat waste in landfills, surface impoundments, injection wells, waste piles or land treatment units.

Conditional Authorization Requirements

If you intend to operate under the CA tier, you must comply with the following requirements:

Notification: You must complete and submit the following forms to your CUPA (or DTSC in a non-CUPA jurisdiction):

• Business Activities Page;
• Business Owner/Operator Identification Page;
• Onsite Hazardous Waste Treatment Notification - Facility Page; and
• Onsite Hazardous Waste Treatment Notification – Unit Page of the Unified Program Consolidated Form (revised 1999).

Note: Your CUPA may require that your completed notification include a plot plan, flow diagrams and detailed descriptions of waste streams and treatment processes. This may require adding supplemental pages to the notification forms.

Each treatment unit requires a unit specific notification form. You must submit the forms at least 60 days before beginning the first waste treatment. If you demonstrate good cause, the time period between notification and treatment can be shortened. Forms are available from your local CUPA, DTSC, or the Internet at www.calepa.ca.gov/Publications/Title27/.

Complete each notification as required by Health and Safety Code section 25200.3(e)(1). Sign and date each notification as required by Health and Safety Code section 25200.3(e)(3) and California Code of Regulations, title 22, section 66270.11. As part of your notification, you must include a disclosure statement, documenting any convictions, judgments, settlements, or orders resulting from environmental violations concerning the operation of your facility within the previous three years (Health & Saf. Code §25200.3(e)(3)(E)).

Forms may be submitted in person or sent by certified mail, with return receipt requested, to your CUPA. If you wish to submit the forms electronically, you should first contact your CUPA to determine if electronic submissions are possible. If a change occurs to any information contained in your most recent notification, submit an amended notification page to your CUPA. Always keep a copy of the notifications that you submit and any CUPA acknowledgments that you receive.
Generator Operating Standards:
Generators conducting CA treatment must comply with hazardous waste generator standards in California Code of Regulations, title 22, division 4.5, chapter 12. For an overview of these standards, see DTSC’s fact sheets titled “Hazardous Waste Generator Requirements Fact Sheet” (January 2002) and “Accumulating Hazardous Wastes at Generator Sites Fact Sheet” (January 2002). Copies of these fact sheets are available on DTSC’s Internet web site at http://www.dtsc.ca.gov/HazardousWaste/upload/HWM_FS_Generator_Requirements.pdf and http://www.dtsc.ca.gov/HazardousWaste/upload/HWM_FS_Accumulating_HazWaste_Generators.pdf, respectively.

Operating Records: Maintain all records required by the hazardous waste generator standards. In addition, you must maintain the following records onsite for five years (Health & Saf. Code §25200.3(c)):

- A written inspection schedule and an up to date log of inspections conducted of each treatment unit;
- Written operating instructions for the treatment unit and a record of the dates, concentrations, amounts, and types of waste treated, such as a treatment log book;
- If discharging your waste to the sewer, records that demonstrate that you are in compliance with all applicable requirements for pretreatment and discharge;
- The most recent closure cost estimate, as specified in the California Code of Regulations, title 22, section 67450.13(a)(3); and
- Annual waste minimization statement as required by Health and Safety Code section 25200.3(c)(2). This statement must also be submitted to the CUPA annually.

DTSC recommends that you also maintain copies of documents relating to the environmental assessment required by Health and Safety Code section 25200.3(c)(3).

Containers: If you treat hazardous waste in containers, you must comply with the standards for container storage and transfer activities specified in California Code of Regulations, title 22, division 4.5, chapter 14, section 66264.175, and chapter 15, article 9 (commencing with section 66265.170). Requirements include proper management for all container transfer and storage areas, proper management of the containers to prevent leaks, and weekly inspections of the storage areas.

Tanks: If you treat hazardous waste in tanks (onground or aboveground), Health and Safety Code section 25200.3(c)(4) requires you to comply with standards for storage and treatment of hazardous wastes in tanks specified in California Code of Regulations, title 22, division 4.5, chapter 15, article 10 (sections 66265.190-66265.199, except 66265.197). Most new and existing tanks must undergo an integrity assessment and have secondary containment before being placed into service. The assessment must be in writing and certified by a qualified professional engineer (Cal. Code Regs., tit. 22, §66265.192(a)). Tanks must be reassessed every five years.

Several small categories of existing tanks may be temporarily exempt from secondary containment requirements (for details, see

**Note:** Generators treating hazardous waste in non-RCRA or RCRA-exempt underground tanks are subject to applicable standards in California Code of Regulations, title 23.

**Ancillary Equipment:** You are not required to have secondary containment for ancillary equipment for a tank or container treating hazardous waste if the ancillary equipment has undergone an integrity assessment pursuant to California Code of Regulations, title 22, section 66265.191 every two years from the date that retrofitting requirements would otherwise apply (Health & Saf. Code §25200.3(c)(4)(A)).

**Fees:** If you conduct treatment authorized under CA, you will be billed a CA fee by your CUPA. You will be billed annually, until the unit has been certified closed according to Health and Safety Code section 25200.3(l), and you submit the closure certification to your CUPA. Also, if you operate during any part of a calendar year, you may be billed a CA fee for the entire year. *(Note: Each CUPA instituted a single fee system that allows for a single billing to cover the costs of oversight and inspection of your hazardous waste management activities (Cal. Code Regs., tit. 27, §15210).)*

**Financial Assurance for Closure:** You must estimate in writing the cost of closing each treatment unit when using your own staff and personal equipment. You may take into account any salvage value that may be realized from the sale of wastes, facility structure or equipment, land or other facility assets. Submit this estimate as an attachment to the *Certification of Financial Assurance for Permit by Rule and Conditionally Authorized Operations* page(s) of the *Unified Program Consolidated Form* (revised 1999). The estimate must be adjusted for inflation by March 1<sup>st</sup> of each year using a specified inflation factor. Revise the closure cost estimate whenever there is a change that increases the cost of closure (Cal. Code Regs., tit.22, §67450.13(a)).

If your closure cost estimate is more than $10,000, you must provide financial assurance for closure of treatment units by one of the financial mechanisms listed in California Code of Regulations, title 22, section 67450.13(a)(5), or an alternative mechanism, as specified in section 67450.13(c). Submit the financial assurance mechanism and your initial notification(s) to your CUPA at least 60 days before commencing the first treatment of waste.

If your closure cost estimate is less than $10,000.00, you do not need to submit a financial assurance mechanism. However, you must submit to your CUPA a signed statement in accordance to California Code of Regulations, title 22, section 66270.11 by which you certify that the CA facility has sufficient financial resources to cover the cost of closure (Cal. Code Regs., tit.22, §67450.13(d)). *(Note: CA facilities are not required to have third party liability coverage for environmental accidents pursuant to Health and Safety Code section 25245.4(b)(2)).*
**Security:** You must take certain measures to prevent the unknowing entry, and minimize the possibility of the unauthorized entry of persons or livestock onto the active portion of the facility, unless you can demonstrate that:

- Physical contact with the waste, structures, or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock, and
- Disturbance of the waste or equipment by the unknowing or unauthorized entry of persons or livestock will not cause a violation of the hazardous waste requirements in California Code of Regulations, title 22, division 4.5, chapter 15.

Otherwise, to ensure security you must provide:

- A 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility (e.g., television monitoring or surveillance by guards or facility personnel); or
- An artificial or natural barrier (e.g., a fence in good repair, or a fence combined with a cliff) which completely surrounds the active portion of the facility, and a means to control entry at all times (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility). For more information, see Health and Safety Code section 25200.3(c)(1), and California Code of Regulations, title 22, section 66265.14.

**Closure of Treatment Units:** You are not required to prepare and maintain a written closure plan. However, you must comply with the all the requirements for proper closure specified in section 25200.3(g) of the Health and Safety Code. Remove and decontaminate all waste residues, containment system components, soils, and other structures or equipment contaminated with hazardous waste from the unit. Remove the unit from service in a manner that minimizes the need for further maintenance and eliminates the escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or waste decomposition products to the environment after treatment is ceased. If hazardous waste contamination of the site has occurred, you must notify your local CUPA and DTSC.

When you permanently cease operation of a unit, you must notify your local CUPA, in writing, that you have properly closed the unit, pursuant to Health and Safety Code section 25200.3(g). The closure notification should include the following information: company name, address, EPA ID number, unit number, tier of authorization, and date of closure.

**Corrective Action:** Corrective Action includes assessing the property for any previous release of hazardous wastes using a Tiered Permitting Phase I Environmental Assessment Checklist (DTSC Form 1151), and cleaning up any contamination that poses a risk to public health and the environment. You must submit a Checklist within one year of initial authorization (Health & Saf. Code §25200.14(b)(1)). Submit the checklist to DTSC and a copy to your CUPA by the applicable deadline. If further investigation is needed, submit a schedule for further investigating the
potential problem within 90 days after you submitted the Checklist (Health & Saf. Code §25200.14(e)(1)). The Checklist is available on DTSC’s Internet web site at http://www.dtsc.ca.gov/HazardousWaste/index.cfm.

Public Notice and Local Land Use: For purposes of local land use decisions, your business is not considered a hazardous waste treatment facility if it is authorized under CA. Also, you are not required to publish a public notice regarding your treatment operation.

Disclosure Requirement: You are not required to provide a full disclosure statement (Health & Saf. Code §25200.4). However, you must provide documentation regarding any convictions, judgments, settlements or orders resulting from environmental violations concerning the operation of the facility within the previous three years, as part of your initial notification (Health & Saf. Code §25200.3(e)(3)(E)).

Inspection Programs: Any authorized agency, including your local CUPA and DTSC may inspect your facility at any time. At a minimum, your facility will be inspected within two years of your initial notification, and then every three years thereafter (Health & Saf. Code §25201.4(b)(2)).

Training Classes: California Compliance School offers training on Tiered Permitting. The class focuses on how to comply with hazardous waste management requirements. Call California Compliance School at 1-800-337-1422, or access its web site at www.compliance.org for information regarding class times, locations, cost, and enrollment instructions.

California Compliance School also offers four generator modules, with classes available at central locations, statewide, or at your worksite.

CA Wastestreams: The following wastestreams and treatment processes are allowed in fixed treatment units operating under CA (Health & Saf. Code §25200.3(a)).

1. Aqueous wastes that are hazardous solely due to inorganic constituents, except asbestos, listed in the California Code of Regulations, title 22, sections 66261.24 (a)(1)(B), or (a)(2)(A) and that contain not more than 1,400 ppm total of the listed constituents. There is no volume limit for this wastestream. You may treat using:

   (A) Phase separation, including precipitation, by filtration, centrifugation, or gravity settling, including the use of demulsifiers and flocculants; *
   (B) Ion exchange, including metallic replacement;
   (C) Reverse Osmosis;
   (D) Adsorption;
   (E) pH adjustment of aqueous waste with a pH of between 2.0 and 12.5;
   (F) Electrowinning of solutions, if those solutions do not contain hydrochloric acid; and
   (G) Reduction of solutions that are hazardous solely due to hexavalent chromium, to trivalent chromium with sodium bisulfite, sodium metabisulfite, sodium thiosulfite, ferrous chloride, ferrous sulfate, and ferrous sulfide or sulfur dioxide provided that the solution
contains less than 750 ppm of hexavalent chromium.

2. Aqueous wastes that are hazardous solely due to organic constituents listed in the California Code of Regulations, title 22, sections 66261.24 (a)(1)(B) or (2)(B) and that contain not more than 750 ppm total of those constituents. There is no volume limit for this wastestream. You may treat using:

(A) Phase separation by filtration, centrifugation, or gravity settling, but excluding supercritical fluid extraction; and
(B) Adsorption.

3. Sludges resulting from wastewater treatment, dusts, solid metal objects, and metal workings that are hazardous solely due to constituents, except asbestos, listed in the California Code of Regulations, title 22, sections 66261.24(a)(1)(B) or (a)(2)(A). Dusts may contain not more than 750 ppm total of the listed constituents. The monthly volume treated in this unit may not exceed 5,000 gallons or 45,000 pounds, whichever is less. You may treat using:

(A) Physical processes which constitute treatment only because they change the physical properties of the waste, such as filtration, centrifugation, gravity settling, grinding, shredding, crushing, or compacting;* and
(B) Drying to remove water;* and
(C) Separation based on differences in physical properties such as size, magnetism, or density.

4. Alum, gypsum, lime, sulfur, or phosphate sludges. The monthly volume treated in this unit may not exceed 5,000 gallons or 45,000 pounds, whichever is less. You may treat using:

(A) Drying to remove water.*
(B) Phase separation by filtration, centrifugation, or gravity settling.*

5. Special wastes listed in the California Code of Regulations, title 22, section 66261.120, that meet the criteria in section 66261.122, and are hazardous solely due to constituents, except asbestos, listed in the California Code of Regulations, title 22, sections 66261.4(a)(1)(B) or (a)(2)(A). The wastes may contain not more than 750 ppm total of the listed constituents. The monthly volume treated in this unit may not exceed 5,000 gallons or 45,000 pounds, whichever is less. You may treat using:

(A) Drying to remove water;*
(B) Phase separation by filtration, centrifugation or gravity settling;*
(C) Screening to separate components based on size; and
(D) Separation based on differences in physical properties, such as size, magnetism, or density.

6. Wastes classified as special wastes in the California Code of Regulations, title 22, section 66261.124, that are hazardous solely due to constituents, except asbestos, listed in sections 66261.24 (a)(1)(B) or (a)(2)(A), and that contain not more than 750 ppm total of those constituents. The monthly volume treated in this unit may
not exceed 5,000 gallons or 45,000 pounds, whichever is less. You may treat using:

(A) Drying to remove water;*
(B) Phase separation by filtration, centrifugation or gravity settling; and*
(C) Magnetic separation.

7. Soils that are hazardous solely due to contamination with metals listed in the California Code of Regulations, title 22, section 66261.24(a)(2)(A). The monthly volume treated in this unit may not exceed 5,000 gallons or 45,000 pounds, whichever is less. You may treat using:

(A) Screening to separate components based on size.
(B) Magnetic separation.

8. Oil mixed with water and oil/water separation sludges. There is no volume limit for this wastestream. (Note: some used oil/water separation is allowed under the Conditionally Exempt-Limited (CEL) tier). You may treat using:

(A) Phase separation by filtration, centrifugation, or gravity settling, but excluding supercritical fluid extraction, including the use of demulsifiers and flocculants;
(B) Heat can be used, if applied in totally enclosed tanks and containers and if it does not exceed 160 degrees Fahrenheit;
(C) Separation based on differences in physical properties such as size, magnetism, or density; and
(D) Reverse osmosis.

9. Neutralization of acidic or alkaline wastes, hazardous solely due to corrosivity or toxicity resulting from the acidic or alkaline material, as defined in California Code of Regulations, title 22, section 66260.10. You may treat:

(A) Waste that contains less than 10 percent acid or base constituents by weight, and treatment occurs in tanks, containers, and/or piping compatible with temperature and pH levels. There is no volume limit for this category.
(B) Waste that contains 10 percent or more acid or base constituents by weight. This type of waste must be treated in batches that do not exceed 500 gallons at any one time.

10. Certified Technology: You may treat any wastestream and treatment technology combination that is certified by DTSC as appropriate for authorization under CA, in accordance with Health and Safety Code section 25200.1.5.

*Note: Authorizations or permits are not required if the owner or operator of the FTU conducts activities which are exempted from the definition of treatment (see the definition of treatment).

Definitions

Certified Unified Program Agency (CUPA): A CUPA is a local agency, such as a county, city, or Joint Powers Agency that is certified by the Secretary for
Environmental Protection to implement the Unified Program within a jurisdiction as specified in Health and Safety Code division 20, chapter 6.11. The CUPAs are responsible for consolidating, coordinating, and making consistent many environmental programs.

**Fixed Treatment Unit (FTU):** An FTU is any equipment that performs hazardous waste treatment that is permanently stationed at a single facility regardless of the period or frequency of treatment.

**On-ground Tank:** A device meeting the definition of “tank,” situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected (see Cal. Code Regs., tit. 22, §66260.10).

**Phase I Environmental Assessment:** A preliminary site assessment based on reasonably available knowledge of the facility, including, but not limited to, historical use of the property, prior releases, visual and other surveys, records, consultant reports, and regulatory agency correspondence.

**Transportable Treatment Unit (TTU):** A TTU is any mobile equipment that performs treatment, is transported to a facility to perform a treatment, and is not permanently stationed at a single site.

**Treatment:** Any method, technique, or process that is not otherwise excluded, or which is designed to change the physical, chemical, or biological character or composition of the hazardous waste or material it contains, or which removes or reduces its harmful properties or characteristics for any purpose. If the activity that you are conducting is consistent with this definition, you are required to obtain a permit or a grant of authorization through your CUPA. However, if your activity is not considered regulated treatment, you do not need a permit or grant of authorization. The following activities do not require a permit or a grant of authorization (see Health & Saf. Code §25123.5):

- Sieving or filtering liquid hazardous waste to remove solid fractions, without added heat, chemicals, or pressure, as the waste is added to or removed from a storage or accumulation tank or container (sieving or filtering does not include adsorption, reverse osmosis, or ultra-filtration).

- Phase separation of hazardous waste during storage or accumulation in tanks or containers, if the separation is unaided by the addition of heat or chemicals. If the phase separation occurs at a commercial offsite permitted storage facility, all phases of the hazardous waste must be managed as hazardous waste after separation.

- Combining two or more wastestreams that are compatible into a single tank or container if both of the following conditions apply:

  1. The wastestreams are being combined solely for the purpose of consolidated accumulation or storage or consolidated offsite shipment, and they are not being combined to meet a fuel specification or to otherwise be chemically or physically
prepared to be treated, burned for energy value, or incinerated. The combined wastestream is managed in compliance with the most stringent of the regulatory requirements applicable to each individual wastestream.

- Evaporating water from hazardous wastes in tanks or containers, such as breathing and evaporation through vents and floating roofs, without adding pressure, chemicals, or heat other than sunlight or ambient room lighting or heating.
- Combining glutaraldehyde or orthophthalaldehyde, used by medical facilities to disinfect medical devices, with formulations containing glycine as the sole active chemical, if the process is carried out onsite. This activity is only allowed for medical facilities.

**Unified Program:** The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program is commonly referred to as the Unified Program. The Unified Program consolidated several major environmental management and emergency management programs at the local government level to help businesses subject to waste management requirements comply with the legal requirements (Health & Saf. Code, div. 20, ch. 6.11).

**Unit:** A unit is a tank, container, or a combination of tanks or tank systems and/or containers located together that are used in sequence to treat or accumulate one or more compatible hazardous wastestreams. The devices are either plumbed together or otherwise linked so as to form one treatment system (see Cal. Code Regs., tit. 22, §66260.10).

**Disclaimer**

This fact sheet does not replace or supersede relevant statutes and regulations. The information contained in this fact sheet is based upon the statutes and regulations in effect as of the date of the fact sheet. Interested parties should always review the most recent relevant statutes and regulations.

**For assistance or additional information,** you can contact your local CUPA. A list of CUPA addresses and phone numbers is available on the Cal/EPA web site at [www.calepa.ca.gov/CUPA/CUPAMail.htm](http://www.calepa.ca.gov/CUPA/CUPAMail.htm). You can also contact the DTSC office nearest you and the DTSC Public and Business Liaisons at (800) 72TOXIC (1-800-728-6942), or visit DTSC’s Internet web site, at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).
For more information, contact the DTSC office nearest you, or call the regional Regulatory Assistance Officers at (800) 72-TOXIC (800-728-6942). From outside California, call (916) 255-3545.

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