

Waste & Water Update

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IS YOUR USED OIL HAZARDOUS WASTE?

Since 1986, California law has mandated that “Used Oil” be managed as a hazardous waste, unless each tank or drum was tested to verify it met specified standards. As a result, used oil is one of the highest volume waste streams each year in California. However, Assembly Bill (AB) 2928, which took effect January 1, 2019, provides some potential relief by allowing used oil generators to self-designate the waste as non-hazardous.

As of July 1st, the Department of Toxic Substances Control (DTSC) has not issued guidance on AB 2928; however, the statute is law.

AB 2928

AB 2928 allows a generator of “highly controlled used oil” to manage the waste as “recycled oil” instead of hazardous waste if:

- The oil is not a hazardous waste (not contaminated with hazardous waste or has any properties of a hazardous waste);
- The oil meets purity standards and other testing requirements;
- The generator annually certifies it meets these criteria and a signed certification is included with each shipment; and
- A notification is provided to the DTSC that recycled oil is being generated.

Rather than testing each load, a generator can test annually to demonstrate that the oil met standards of purity for specified metals, flash point, and other

contaminants. The generator must be “highly controlled,” which means:

- Services, repairs, and maintains their own equipment or vehicles (e.g., used oil from the maintenance of a bus/truck/car fleet if all equipment is owned and operated by the generator);
- Is not a service business (i.e., a commercial auto service shop);
- Generates oil from normal operating conditions; and
- Does not use/store halogenated solvents where oil is generated.

Benefits

Although disposal costs may not change, AB 2928 provides considerable regulatory relief. Highly controlled used oil – and anything contaminated solely with such oil, such as rags or absorbent – would not count toward a facility’s generator status. For some generators, this can make the difference between being a large quantity or small quantity generator. Containers and tanks of recycled oil would not need to meet the typical hazardous waste generator standards, including labeling, inspections, tank certification, storage time limits, manifest fees, etc.

For such a significant change, the current lack of DTSC implementation guidance to the Certified Unified Program Agencies (CUPAs) is unfortunate. The DTSC has indicated they are working on guidance that will clarify some issues and help make the new statute more widely understood by the CUPAs and generators.

Waste & Water Tip

Aboveground Petroleum Storage Facility reporting has changed in the

California Environmental Reporting System (CERS). As shown in the screenshot below, a facility must now provide some detailed information, including the date of Spill Prevention, Control, and Countermeasure (SPCC) Plan certification or the most recent 5-year owner/operator review.

Facility Information

Conditionally Exempt

Total Aboveground Storage Capacity of Petroleum

Number of Tanks in Underground Area(s)

Date of SPCC Plan Certification or Date of 5-Year Review

Although the revised reporting still does not require actually uploading SPCC Plans, a CUPA can now easily see if the facility’s plan has been recently updated.

Upcoming Training Offered by Yorke Engineering

- California Multi-Media Environmental Regulations: Permitting, Compliance, and Reporting Seminar:
 - Emeryville: October 8 – October 9, 2019
 - Anaheim: October 22 – October 23, 2019
 - Fresno: November 5 – November 6, 2019
- California Industrial Hygiene 101 Seminar:
 - Emeryville: October 17, 2019
 - Anaheim: November 12, 2019

<http://www.yorkeengr.com/classes>

Upcoming Due Dates for 2019/2020*

- DTSC SB 14 Reporting..... 9/1/19
- SWRCB CGP Annual Report 9/1/19
- SWRCB Level 1 ERA Report..... 1/1/20
- SWRCB Level 2 ERA Action Plan.. 1/1/20
- DTSC Annual Reports for E-Waste Handling and Recycling Activity..... 2/1/20
- CDTFA Hazardous Waste Generator Fee..... 2/28/20
- USEPA Biennial Hazardous Waste Report..... 3/1/20
- USEPA Hazardous Waste Report for RCRA TSDF 3/1/20

**Due dates listed are statutory dates; sometimes dates are extended when on a weekend/holiday.*

UST REPORTING

UST Reporting in CERS

With the new underground storage tank (UST) regulations that came into effect in October 2018, new UST forms were issued and required to be reported in CERS.

The first form that has undergone changes is the Designated Underground Storage Tank Operator Identification Form, which identifies the UST facility and the designated UST operator(s) information. Changes on this form include removal of the expiration date of the designated UST operator's International Code Council (ICC) certification and the relationship of the designated UST operator to the UST facility. The new form also does not require the signature of the tank owner.

In addition, the new regulations introduced a new form, the Statement of Understanding and Compliance. This new form identifies the facility and tank owner or operator information and requires a signed certification from the owner/operator indicating, "I hereby certify that I understand the underground storage tank requirements of Health and Safety Code, Division 20, Chapter 6.7, California Code of Regulations; Title 23, Division 3, Chapter 16; and any applicable local underground storage tank ordinances and that the facility identified above is in compliance with all applicable underground storage tank requirements."

Both of these forms are required to be uploaded to the "Owner Statement of Designated UST Operator Compliance" section of CERS.

Electronic UST Testing and Repair Notification

The Los Angeles City Fire Department (LAFD) CUPA launched an electronic

notification system that became effective on January 28, 2019. This electronic notification system is known as the compliance and repair permit test notification system and can be found at: www.lafd.org/fire-prevention/cupa/underground-storage-tank

This new system replaced e-mailing the LAFD CUPA for notifications of testing and repairs. Although the new online system is working and available, test results still are required to be submitted via e-mail within 30 days to LAFD.USTTestNotify@LACity.org. When e-mailing the testing results, ensure that your District inspector who attended the testing is copied. The subject line for the testing should be "Test Results: Address Zip code."

Additional CUPAs were contacted to inquire if a portal like LAFD's would be extending to them, and they confirmed it would not be happening at this time.

SB 14 REPORTING

Four-Year "Reporting" Cycle Due Date Is September 1, 2019

The Hazardous Waste Source Reduction and Management Review Act of 1989, referred to as Senate Bill (SB) 14, applies to facilities that generate more than 12,000 kilograms of non-exempt hazardous wastes during a baseline year. Facilities subject to SB 14 must, every 4 years, develop three documents: a Source Reduction Evaluation Review and Plan (Plan), a Hazardous Waste Management Performance Report (Performance Report), and a Summary Progress Report (SPR).

The current documentation cycle is based on 2018 waste generation and has a due date of September 1, 2019, for developing the three documents. The SB 14 regulations are located in Title 22 of the California Code of Regulations, Sections 67100.1 through 67100.14.

Fortunately, the requirement to submit the SPR to the State was repealed some years ago, so that SB 14 is no longer a "reporting" program despite the documents' names. However, everything except the reporting obligation remains in place and your local CUPA, and the DTSC, can enforce the requirements to develop the documents and fully implement all measures described in the Plan.

A guidance manual for developing the documents is available on the DTSC's website at:

<https://dtsc.ca.gov/sb14/sb14-introduction-and-overview>

As anyone reviewing the manual will quickly see, developing the documents can be a complex process. The regulations are prescriptive as to the document contents, as well as the methods for evaluating potential source reduction measures. Facilities subject to SB 14 in previous 4-year cycles will have an advantage in document templates and knowledge of the requirements, but old and new facilities alike should not underestimate the effort required to produce credibly compliant documentation. Although it can produce useful results, SB 14 is data-intensive and complex.

Yorke Engineering, LLC has assisted over 950 industrial and government facilities with air, waste, and water regulatory compliance and permitting throughout California. Our staff are very experienced and specialized in assisting customers with their specific EH&S needs related to the local air districts, CARB, DTSC, Water Boards, CUPAs, USEPA, and other regulatory agencies.