

# Recent and Upcoming Hazardous Waste Regulatory Changes

May 17 and 19, 2022

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# Yorke Presenters

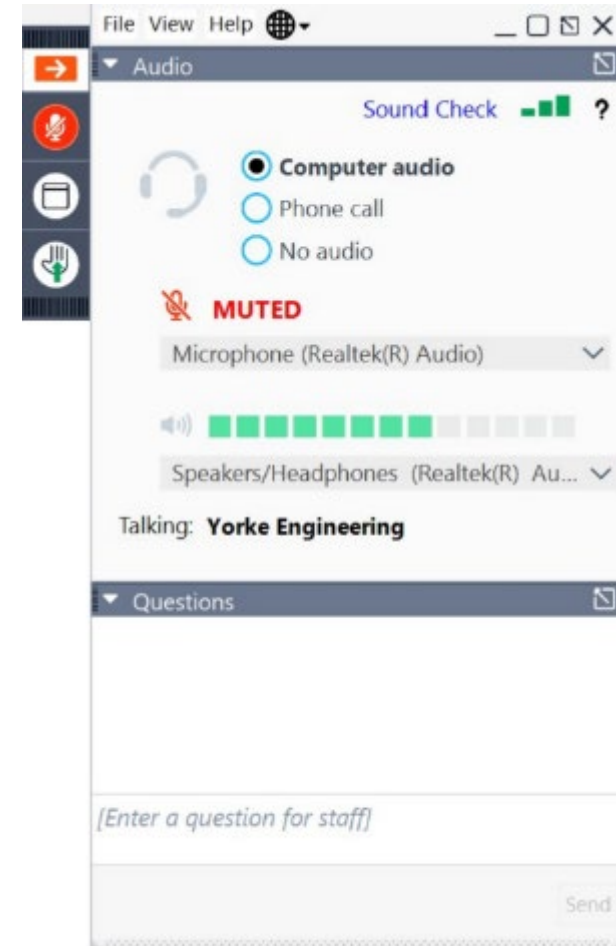
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- Michael Dudasko – Principal Engineer/Multi-Media Compliance Specialist
- Jeremy Howes – IT Manager



# Using GoToWebinar

- Webinar window
- We have everyone muted.
- Please use questions window:
  - We will e-mail you if your question is not answered in the webinar.



# Webinar Agenda



- Senate Bill (SB) 158 – Hazardous Waste
  - Board of Environmental Safety
  - Haz Waste Management Report/Plan
  - Fee Changes
- EPA's Generator Improvement Rule
- Other Hazardous Waste updates

# Yorke Engineering, LLC

- Yorke assists Industrial and Government clients with air quality, hazardous waste, storm water, safety, and industrial hygiene under regulations issued by the local, state, and federal agencies
- Founded in 1996 and has worked for over 1,450 customers at well over 2,000 facilities
- Over 7,500 air, water, waste, and safety projects completed
- Yorke staff has worked with over 200 companies on waste/water projects



# Yorke Engineering, LLC

## Office Locations:

- Bay Area
  - Berkeley
  - San Francisco
- Southern California
  - Los Angeles
  - Orange County
  - Riverside
  - Long Beach
  - San Diego
- Central Valley
  - Fresno
  - Merced



# Acronyms



- BES – Board of Environmental Safety
- CDTFA – California Department of Tax and Fee Administration
- DTSC – California Department of Toxic Substances Control
- HSC – Health & Safety Code
- LQG/SQG – Large/Small Quantity Generator
- RCRA – Resource Conservation and Recovery Act
- SB – Senate Bill
- TRC – Tax and Revenue Code
- TSDF – Treatment, Storage, and Disposal Facility

# Webinar Agenda



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# SB 158 – Hazardous Waste

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- Signed into law July 12, 2021
- Changes many sections of CA HSC – deactivating old sections, modifying effective date for new changes to align to fiscal year
  - Creates new Board of Environmental Safety (BES)
  - Replaces some old fees with new generation and handling fee
  - Increases other fees
  - Makes other changes in hazardous waste program

# New Board of Environmental Safety

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- Board of Environmental Safety (BES) established to provide improved transparency and strategic guidance to the hazardous waste program
- Oversee DTSC
  - Hear and decide disposal facility permit appeals
  - Align fees with legislative mandates annually
  - Provide opportunities for public hearings on permit and remediation decisions
  - Develop long-term goals for DTSC programs

# New Board of Environmental Safety

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- The five Board members will consist of:
  - Expert in public health
  - Expert in cumulative impacts on communities
  - Environmental scientist qualified in the fields of toxicology, chemistry, industrial hygiene, or engineering
  - Legal or technical expert in hazardous waste, hazardous substances, or site remediation
  - Public member

# Who Is On New BES?

The screenshot shows the DTSC website navigation menu. The 'About DTSC' dropdown menu is highlighted with a red box, and the 'Board of Environmental Safety' link within it is also highlighted with a red box.

Who We Are and What We Do	DTSC Strategic Plan	Key Performance Indicators (KPIs)	Our History
Executive Leadership Team	Governance and Fee Reform	<b>Board of Environmental Safety</b>	DTSC Calendar
DTSC COVID Updates	Career Opportunities	Sign-Up for an E-List	

# New Board of Environmental Safety – Activities

- Legislative mandate:  
“**shall represent the general public interest and act to protect public health and reduce risks of toxic exposure with a particular focus on disproportionately burdened and vulnerable communities**”
- Required to meet six times per year, with three meetings held within impacted communities across the State
- Have governance rules (Bylaws)



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# New DTSC Hazardous Waste Management Report

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- Public report by DTSC due March 2023 and every 3 years, that analyzes available Haz Waste data
  - Haz Waste generation by county
  - Destination of Haz Waste
  - Amount land-disposed in CA and other states
  - CA-only regulated Haz Waste vs. total
  - Amount treated or recycled on-site, identified as Universal Waste, or alternatively managed
  - Location of generation and TSDf vis-à-vis Cal Enviro Screen score, zoning, etc.

# New DTSC Hazardous Waste Management Plan (HWMP)

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- By March 2025, DTSC shall prepare a State HWMP (Plan) for Board approval based on March 2023 Report data
- Updated every 3 years
- The Plan shall serve as a comprehensive planning document for management of haz. waste in the State
- Guide State/local haz. waste management efforts and DTSC's implementation of the program



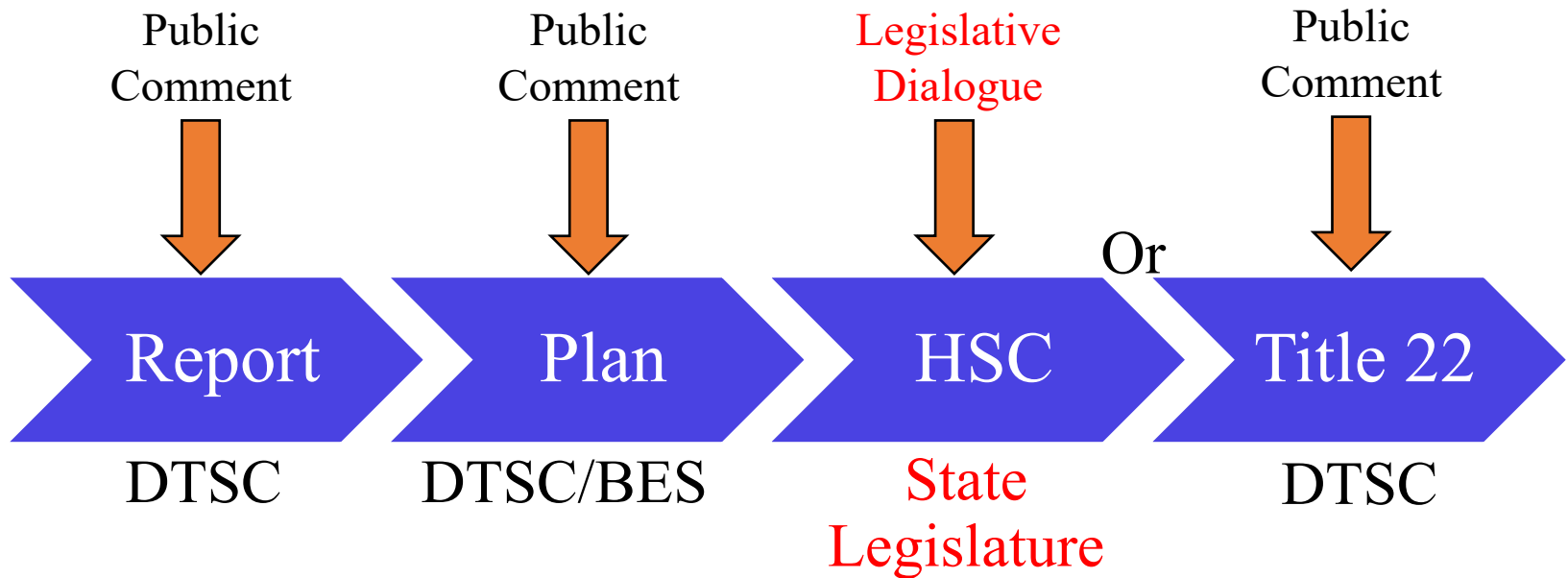
# New HWMP Will Discuss

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- Disposal facilities (TSDFs) operating in the State
- Pollution prevention programs and ways to encourage efforts
- Analysis of the criteria defining Haz Waste
- Compare benefits of non-RCRA vs. RCRA
- Consider new science and analytical methods
- Benefits of new characteristics
- Possible changes to statutes/regulations to reduce waste generation and disposal

# Process Summary for Changes

## Involvement



## Responsibility

# Webinar Agenda



- Senate Bill (SB) 158 – Hazardous Waste
  - Board of Environmental Safety
  - Haz. Waste Management Plan
  - Fee Changes
- EPA's Generator Improvement Rule
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# Changes to Haz Waste Fees

- “Polluter Pays” principle
- Moved to a fiscal year basis
- Initial fees for 2022-23 FY set higher
- 2023-24 fees determined by BES (but capped at 2 times 2022-23)
- 2024-25 and beyond to be escalated by COL



# Disposal Facility Fees (TSDFs)

Category	2021 Fees	Start 7/1/22	FY 23-24 Ceiling
Base Rate	\$35,943	\$94,910	\$189,820
Large Off-Site Treatment Facility (3X Base)	\$107,829	\$284,730	\$569,460
Disposal Facility (10X Base)	\$359,430	\$949,100	\$1,898,200

Expect the increases to be passed down to generators

# Haz Waste Generator Fees

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- Starting 7/1/22 – based solely on \$/ton manifested
- Replaces existing generator, disposal, manifest user fees and eliminates some exemptions
- No longer capped at 2,000 tons (\$100,000 in CY2021)
- 2022-23 rate – \$49.25/ton
- 2023-24 rate – **TBD** – \$98.50/ton ceiling
- Paid in two equal amounts by Nov. 30 and Feb. 28

# Haz Waste Generator Fees

Category	Approx. Tons/yr	2021 Fees	Start 7/1/22	FY 23-24 Ceiling
Top 20% Median	8	\$250	\$ 392	\$783
Top 10% Median	25	\$2,000	\$1,250	\$2,500
Top 5% Median	78	\$5,000	\$3,825	\$7,649
Top 1% Median	748	\$50,000	\$36,839	\$73,679
Very Large Industrial Generator	15,000	\$100,000	\$738,750	\$1,477,500

No fee if less than 5 tons/year

# Haz Waste Generator Environmental Fees

Category (# CA Employees)	2021 Fees	Start 1/1/22	FY 23-24 Ceiling
<50	\$0	\$0	\$0
50-75	\$357	\$0	\$0
75-100	\$627	\$0	\$0
100-250	\$1,244	\$1,261	\$2,522
250-500	\$2,669	\$2,706	\$5,412
500-1,000	\$4,985	\$16,000	\$32,000
≥1,000	\$16,911	\$54,100	\$108,200



# Tiered Permitting Fees (per Treatment Unit)

Category	2021 Fees	Effective 7/1/22	FY 23-24 Ceiling
Permit-By-Rule	\$1,743	\$4,600	\$9,200
Conditional Authorization	\$1,743	\$4,600	\$9,200
Conditionally Exempt	\$38	\$180	\$360

# Misc. SB 158 Changes

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- Paper manifests no longer need be submitted within 30 days by generator to DTSC if manifest starts as e-manifest
- Annual generator ID # verification process will now require identifying waste codes of 4 largest waste streams by volume
- CUPAs directed to institute single fee system
- SB 158 requires DTSC to:
  - Post schedule of permit decisions/report if missed

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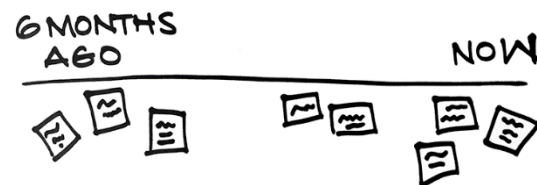
# Generator Improvements Rule – Coming Soon Yet Again

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- Background
- California's Adoption Timeline
- Key Required Changes
- Optional Changes?

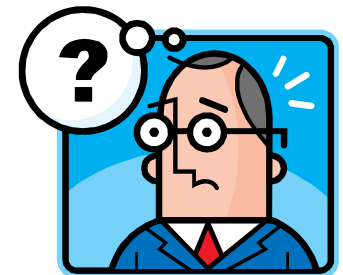
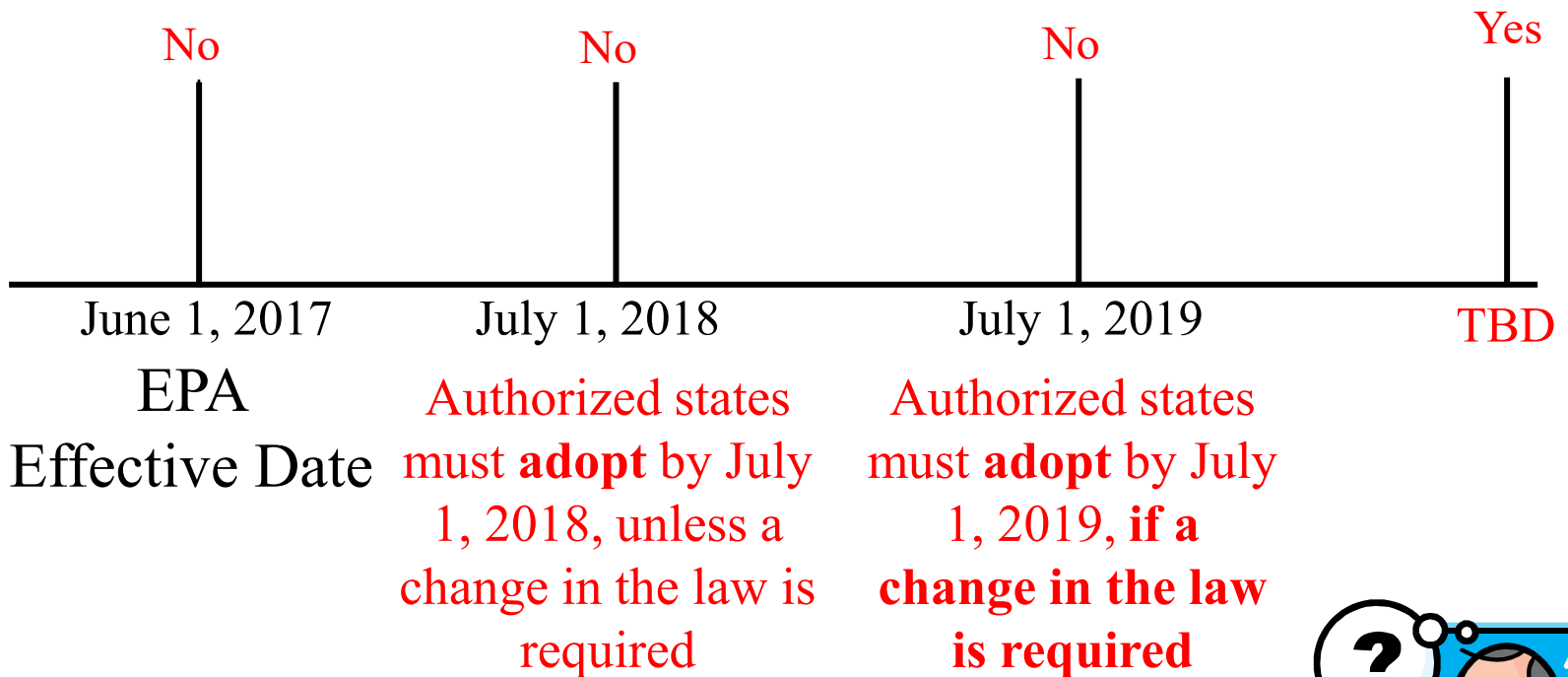
# Generator Improvements Rule Timeline

- New EPA regulations became effective May 30, 2017
- States must adopt all provisions designated by U.S. EPA as “more stringent” than previous regulation
  - By July 1, 2018 or
  - By July 1, 2019, if a change in state law is required
- Other changes – those judged either less stringent or as neither less nor more stringent – are optional
- U.S. EPA Region 9 must authorize the changes

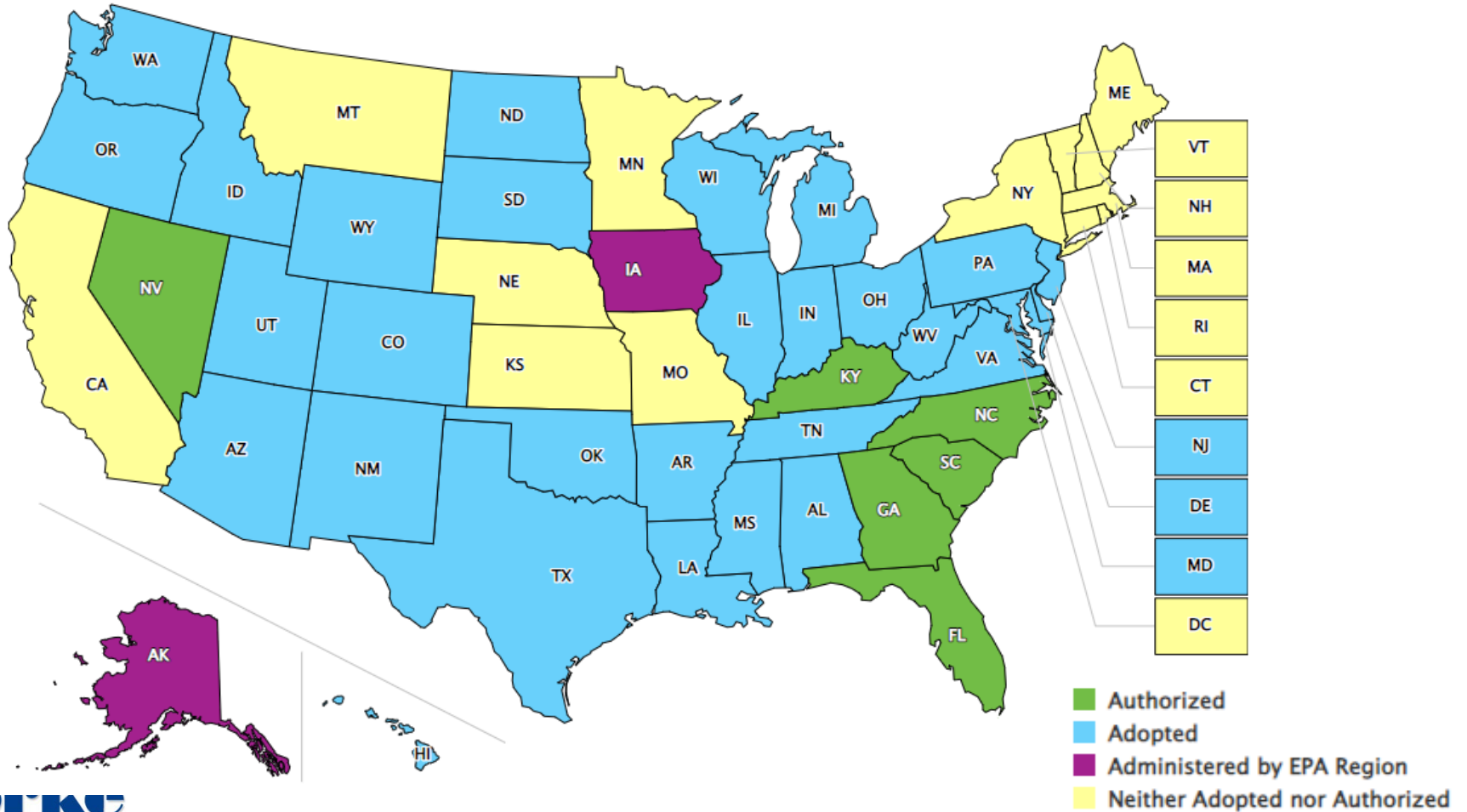


# Is It Adopted In California?

Is it in effect in California?



# Status of Other States



# DTSC – Original Adoption Plan

- Up through 2021, DTSC tried to approve GIR via OAL Section 100 process
  - Allows for Publication of “changes without regulatory effect” (e.g., minor corrections)
  - No public notice and comment
  - Would have created a confusing situation
- Not really discussed by DTSC – but GIR changes, including Title 22 reorganization, would only apply to RCRA hazardous wastes



Department of  
Toxic Substances  
Control



# New DTSC Timeline – 2022

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- DTSC now plans to issue draft GIR changes by the end of CY2022 as a regulatory modification
- What this may mean:
  - Changes may apply to both RCRA/non-RCRA Haz Wastes
  - Some EPA GIR optional changes may be adopted, but which ones?
  - Lengthy process to issue draft, review public comments, make revisions
  - Best guess – mid- to late 2023 effective date at best

# U.S. EPA-Designated “More Stringent” Requirements



- LQGs and SQGs must periodically renotify agency of their activities using EPA Form 8700-12
  - California effect: Minor, LQGs complete biennial report; process for SQGs TBD (eVQ?)
- Enhanced container labeling to better identify waste hazards; enhanced recordkeeping for hazardous waste tanks
  - California effect: Minor, current California labeling requirements comply but must add EPA Waste Codes to label before shipment; add recordkeeping requirement

# U.S. EPA-Designated “More Stringent” Requirements



- LQGs must notify agency of facility closure and meet specified closure standards for tank or container accumulation (excluding satellite) areas
  - Significant effect – notification exists via CUPA processes, but will require changes, including pre-notification requirement on RCRA Form 8700-12
  - Greater potential for scrutiny of Haz Waste container accumulation areas by CUPAs during facility closure or CUPA permit termination (30-day prior notification)
  - Closure stds. prescriptive (similar to Tiered Permitting requirements) and retroactive to “moved” areas

# U.S. EPA-Designated “More Stringent” Requirements



- Biennial reporting changes
  - Minimal; mostly codifies changes made to reporting instructions over the years (California has no biennial requirements over/above federal – yet)
- “Quick Reference Guide” to the facility’s Contingency Plan and Local Agency Contact
  - Minor practical effect; information generally contained already in Title 19 HMBP CERS template, but not in “quick guide” format; must document contact with local authorities

# Optional Changes May Include

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- Reorganization of Title 22
- Allowance for episodic generation for SQGs
- Documentation of hazardous waste determination
- Waiver of 50 ft. rule for ignitable/reactive wastes at LQGs
- Revisions to SAA areas



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# Other DTSC Notes

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- CERS is being updated with validation tool to verify Generator ID # entered and compare to what is listed in HWTS
  - Must be verified before CERS can be submitted
- Back by popular demand – DTSC training module on hazardous waste classification
  - <https://dtsc.ca.gov/california-hazardous-waste-classification-training/>

# Summary

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- New oversight of DTSC by BES more aligned with Env. Justice concerns
- Potential for dramatic changes in years ahead after Haz Waste Report/Mgmt. Plan
- Fee structures changing to fiscal year basis and trending upwards
- CUPA single fee system
- GIR coming – will we see it in 2022?



# Stay Updated

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- More Yorke webinars
- CUPA Conference
- DTSC lists
  - [DTSC E-Lists | Department of Toxic Substances Control \(ca.gov\)](#)

# Questions

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- Hazardous Waste Webinar Questions

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- Other General Environmental Questions

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