



DTSC PRIORITY REGULATIONS FOR 2022

B-3/29 Jessica Twining, Ricardo Rivera, Kareem Taylor

March 29, 2022



**24th California Unified Program
Annual Training Conference
March 22, 23, 24, 29, 30, 31 - 2022**

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Other Important CUPA 2022 Info for You

- Most of last week's Sessions are available as "Watch Now"
- Slido for Polls/Q&A for 90% of Sessions
- Check for Post Zoom meeting follow up link in Q&A
- Zoom meetings – Use Q&A/Stay in meeting for post Session...there will be NO "Are you still watching?" in Zoom
- To earn CEUs, make sure to join the Session within the first 10 minutes for LIVE Sessions, click on "Are you still watching?" popups and attend at least 90% of the Session. Complete Session Evaluations and Conference Survey.



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Overview

- Speaker Introductions
- California-Specific Regulations
- RCRA Conforming Regulations
- Overview of RCRA Authorization
- Q & A



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Introductions

- Ricardo Rivera – Ricardo.Rivera@dtsc.ca.gov
- Kareem Taylor – Kareem.Taylor@dtsc.ca.gov
- Jessica Twining – Jessica.Twining@dtsc.ca.gov



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1. Where do you work?

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California Specific Rules

- Update to the Covered Electronic Devices List
- Management of Chemically Treated Metal Shredder Residue
- Metal Shredder Aggregate & the Definition of Scrap Metal



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2. Once DTSC notices a regular rulemaking package, how long does DTSC have to complete the rulemaking?

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RCRA Rules

- Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine (Pharmaceutical Rule)
- Revisions to the Definition of Solid Waste
- Hazardous Waste Electronic Manifest System (e-Manifest Rule)
- Hazardous Waste Generator Improvements Rule (Mandatory & Optional)



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Hazardous Waste Generator Improvements Rule

- Generator Improvements Rule (GIR) background
- Status of current rulemaking actions (Mandatory Requirements)
- Will optional requirements be considered for future rulemaking?
 - Email any inquiries to GIR@dtsc.ca.gov



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3. Nonsubstantive rulemaking packages require an economic and fiscal impact analysis?

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Overview of RCRA Authorization

- What is State authorization?
 - State authorization is a rulemaking process where U.S. EPA delegates the primary responsibility of implementing the RCRA hazardous waste program to individual states in lieu of U.S. EPA.
- State Authorization Requirements
 - State program must be equivalent to and at least as stringent as the federal rules;
 - Is consistent with the Federal program and other authorized State programs;
 - Contains adequate enforcement authority; and,
 - Provides for public participation and availability of information.



California's Authorization Status

- U.S. EPA promulgates rules to their hazardous waste program.
- DTSC created a unit committed to evaluating and potentially adopting these rules.
 - Why is this unit important?
 - Helps keep DTSC's regulations current.
 - Required by California law.
 - U.S. EPA can enforce the authorized rules.



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What is an Authorization Application?

- Main Components
 - Letter from the State Director
 - Program Description
 - Memorandum of Agreement
 - Rule analysis
 - Attorney General's Statement*



RCRA Rule Analysis

- Rule checklists are documents based on specific federal rules published in the Federal Register that addresses changes made to the federal RCRA program beyond the base program.
- DTSC evaluates each rule
 - What changes did U.S. EPA make?
 - Are the changes mandatory or optional?
 - Compare the changes to California's program.



RCRA Checklist Example

RCRA REVISION CHECKLIST 240

Safe Management of Recalled Airbags

83 FR 61552-61563

November 30, 2018

(RCRA Cluster XXVII, Non-HSWA)

Name of State: _____

State Statutory Authority: _____

Title of Regulations: _____ Effective Date: _____

Date Checklist Completed: _____

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:					
			EQUIV. ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE		
PART 260 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL								
SUBPART B DEFINITIONS								
DEFINITIONS								
<i>Airbag waste</i> means any hazardous waste airbag modules or hazardous waste airbag inflators.	260.10 "Airbag waste"							
<i>Airbag waste collection facility</i> means any facility that receives airbag waste from airbag handlers subject to regulation under 261.4(j) of this chapter, and accumulates the waste for more than ten days.	260.10 "Airbag waste collection facility"							
<i>Airbag waste handler</i> means any person, by site, who generates airbag waste that is subject to regulation under this chapter.	260.10 "Airbag waste handler"							



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Questions?

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