

Fact Sheet  
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# Accumulating Hazardous Wastes at Generator Sites



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY, (CAL/EPA)  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)

*DTSC is one of six Boards and Departments within the California Environmental Protection Agency. DTSC's mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.*

State of California



California  
Environmental  
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*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our web site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).*

## I. ACCUMULATION TIME LIMIT SUMMARY

If the Generator:	Accumulation Starts:	Accumulation Time Limit is:
Produces more than 1,000 kilograms (2,200 pounds) per month for all hazardous waste generated onsite.	The first day the generator begins accumulating any hazardous waste (Title 22, CCR, section 66262.34(b)(2)).	90 days (Title 22, CCR, section 66262.34(a)).
Produces more than 100 kilograms (220 pounds) and less than 1,000 kilograms (2,200 pounds) per month for all hazardous waste generated onsite; or, less than 1 kilogram of acutely or extremely hazardous waste. The total amount of hazardous waste accumulated at any one time can never exceed 6,000 kilograms (13,200 pounds).	The first day the generator begins accumulating any hazardous waste (Title 22, CCR, section 66262.34(b)(2)).	180 days or 270 days if the distance to the treatment or disposal facility is more than 200 miles. Any quantity of acutely or extremely hazardous waste must be removed in 90 days (Title 22, CCR, section 66262.34(d)).
Produces less than 100 kilograms (220 pounds) per month for all hazardous waste generated onsite; or less than 1 kilogram of acutely or extremely hazardous waste per month.	The day 100 kilograms (220 pounds) of hazardous waste or 1 kilogram of acutely or extremely hazardous waste is accumulated (Health and Safety Code section 25123.3 (c)).	180 days or 270 days if the distance to the treatment or disposal facility is more than 200 miles. Any quantity of acutely or extremely hazardous waste must be removed in 90 days (Title 22, CCR, section 66262.34(d)). There is no accumulation time limit for generators of not more than 100 kg/month that are not using the satellite accumulation area and who have not yet accumulated 100 kg (220 pounds) of hazardous waste (or one quart of extremely or acutely hazardous waste). (HSC section 25123.3 (c)).
Accumulates hazardous waste at the initial point of accumulation in a satellite accumulation area.	The first day the generator begins accumulating any hazardous waste.	Three days after 55 gallons of hazardous waste (or one-quart of acutely or one quart of extremely hazardous waste) is accumulated. Then the generator must move the hazardous waste container to a "90-day" accumulation area. The total time hazardous waste can be accumulated at the satellite accumulation area is one year (Title 22, CCR, section 66262.34(e)).
Accumulates hazardous waste at a laboratory accumulation area. (Health and Safety Code section 25200.3.1.)	The first day the generator begins accumulating any hazardous waste.	Three days after 55 gallons of hazardous waste (or one-quart of acutely or one quart of extremely hazardous waste) is accumulated. Then the generator must move the hazardous waste container to a "90-day" accumulation area. The total time hazardous waste can be accumulated at the satellite accumulation area is one year (HSC section 25123.3 (d)).

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## II. 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 keep apprised of subsequent changes to relevant statutes and regulations.

## III. BACKGROUND

This fact sheet provides information on the requirements for the accumulation of hazardous waste pursuant to California Health and Safety Code, Section 25123.3 and Title 22, California Code of Regulations, sections 66262.34 and 66262.35. Those hazardous waste holding activities that do not require a permit or grant of authorization are referred to as "accumulation activities" and are limited to the holding of waste onsite by the generator of the waste. There are two levels of regulation governing hazardous waste accumulation activities. One level allows different accumulation times based on the generator's rate of hazardous waste generation per month. Though commonly known as "90-day accumulation," the accumulation times can range from 90 to 270 days. The other level, commonly known as "satellite accumulation," allows accumulation at a generation point for up to one year subject to certain limitations. See Table 1 on page 2 for a summary of the accumulation requirements.

## IV. ACCUMULATION REQUIREMENTS

### A. Accumulation Time Limits

#### (1) 90-day Accumulation Time Limit

Generators that generate more than 1,000 kilograms (kg) (2,200 pounds) of hazardous waste per month must remove their waste within 90 days of generation. The following considerations apply

to determining whether or not a generator is in compliance with the 90-day accumulation time limit:

(a) If the generator generates no more than 100 kg (220 pounds) of hazardous waste (or one kilogram of extremely or acutely hazardous waste) during a calendar month, the 90-day period does not begin until the generator has accumulated 100 kg (220 pounds) or one kg of extremely or acutely hazardous waste. (Health & Saf. Code, section 25123.3 (c).) (Title 22, Cal. Code Regs., section 66262.34(b).) There is no accumulation time limit for generators of not more than 100 kg (220 pounds)/month that are not using the satellite accumulation area and who have not yet accumulated 100 kg (220 pounds) of hazardous waste (or one quart of extremely or acutely hazardous waste). (Health & Saf. Code, section 25123.3 (c).)

(b) If the generator generates more than 100 kg (220 pounds) of hazardous waste (or more than one kg of extremely or acutely hazardous waste) during any calendar month, the 90-day period begins when any amount of hazardous waste first begins to accumulate in that month. (Health & Saf. Code, section 25123.3 (c).) For purposes of determining the size of the generator (i.e., less than 100 kg (220 pounds) per month), all generator activities (including satellite accumulation) located on contiguous property (meeting the definition of onsite) and not covered under a grant of authorization must be considered.

#### (2) 180-day/270-day Accumulation Time Limit

Generators that generate less than 1,000 kg (2,200 pounds) of hazardous waste per month may accumulate onsite up to 180 days (or up to 270 days if the waste is shipped 200 miles or more) without a storage facility permit if the total amount accumulated at any one time never exceeds 6,000 kg (13,200 pounds) and the generator complies with specified federal requirements. Generators may accumulate a total of no more than

one kilogram of acutely or extremely hazardous waste under the 180/270 day accumulation time limits. (Title 22, Cal. Code Regs., section 66262.34(d)). The time period for calculating the 180-day or 270-day period is determined in the same manner as for 90-day accumulation. (Health & Saf. Code, section 25123.3 (c).)

(3) Continuously Used Tanks and Containers. For tanks and containers that are continuously used or reused for the accumulation of hazardous waste, compliance with the 90-day (or 180/270-days) accumulation time limit requires that the tank or container be emptied as completely as possible at least once every 90 days (or 180/270-days), using practices commonly employed to remove materials from that type of tank or container.

For example, drain tanks through the lowest level valve and pump, if feasible, to remove all drainable and pumpable material. In the case of containers, tilt, invert, or pump the container to remove all pourable or drainable hazardous waste. If the hazardous waste is not pourable, empty the container by physical methods commonly employed to remove materials from the container.

As an alternative, in the case of tanks used in flow-through hazardous waste treatment processes, the Department has allowed generators to demonstrate compliance by demonstrating that the volume of the hazardous waste flowing through the tank every 90 days is greater than the volume of the tank. Note: Manage unused tanks and containers with sufficient residuals as hazardous wastes including complying with the accumulation time limits.

## **B. Qualifying Criteria for Accumulation**

In order for a generator accumulation activity to qualify for management under the "90/180/270-day rules," it must satisfy all of the following criteria:

(1) The hazardous waste must have been generated onsite. The definition of onsite is in Sec-

tion XIII.

(2) The hazardous waste must be accumulated onsite in generator accumulation units (containers, tanks, drip pads, or containment buildings).

(3) The accumulation activity must ensure that hazardous waste is accumulated at the generator site for no longer than the applicable time limit. Then the hazardous waste must be moved immediately to an onsite or offsite authorized hazardous waste facility unless an extension to the accumulation time limit has been granted. For more information on the accumulation time limit extensions, see section V.

Generator requirements become applicable as soon as the first drop of hazardous waste begins to accumulate, even if the 90-day time limit does not start until some later date because the generator generates 100 kg (220 pounds) or less per month. For information on accumulation time limit operational requirements, see DTSC's Hazardous Waste Generator Requirements Fact Sheet (January 2002).

## **V. SATELLITE ACCUMULATION**

A generator may accumulate up to 55 gallons of hazardous waste (or one quart of acutely or extremely hazardous waste) without a permit at the initial point of accumulation, known as a satellite accumulation area, for up to one year (Title 22 Cal. Code Regs., section 66262.34(e)).

### **A. Satellite Accumulation Operational Requirements**

The following operational requirements apply to satellite accumulation:

(1) The containers holding the waste must be managed in accordance with the requirements of Title 22, Cal. Code Regs., sections 66265.171 (Condition of Containers), 66265.172 (Compatibility of Waste with Containers) and 66265.173(a) (Management of Containers).

(2) The initial date that hazardous waste is placed in the container must be clearly marked and visible on all containers used for "satellite" accumulation. Additionally, each container must be labeled with the words "Hazardous Waste," and the following information:

(a) the composition and physical state of the wastes;

(b) a statement that calls attention to the particular hazardous properties of the waste; and

(c) the name and address of the generator.

(3) No treatment of hazardous waste is allowed while being accumulated under the satellite accumulation exemption.

(4) Within three days after the 55-gallon (or one quart) accumulation limit is reached, the generator must move the container to a "90-day" accumulation area and label the container with the date the satellite accumulation limit is reached. The date the 55-gallon (or one-quart) accumulation limit is reached is the start of the 90-day period. Alternatively, the waste may be moved to an authorized onsite or offsite hazardous waste facility within three days after the accumulation limit is reached. The total time hazardous waste can be accumulated at the satellite accumulation area is one year (Health & Saf. Code,, section 25123.3 (d)(3) and Title 22, Cal. Code Regs., section 66262.34(e)(1)(B)).

This one-year accumulation limit applies only to the time during which the waste is held onsite in any generator accumulation area, i.e., the combined accumulation time at a satellite accumulation point (where the waste is generated and initially accumulated) and at a "90-day" accumulation area (where the waste may be transferred when the "satellite" limit is reached). The waste may be moved (either from the "satellite" point or from a "90-day" area) to an onsite or offsite authorized storage facility and held there for any length of time (unless the storage time is limited by conditions specified in the grant of authorization or by

the land disposal restrictions (LDRs) under Title 22, Cal. Code Regs., section 66268.50 (b)).

Note: Many storage permits or grants of authorization limit storage at the authorized facility to one year. This one year limit does NOT include any time during which the waste may have been accumulated at an onsite generator ("90-day" or "satellite") accumulation area prior to being transferred to the authorized storage facility. Storage in the authorized storage facility is subject to permit conditions.

## **B. Qualifying Criteria for Satellite Accumulation Exemption**

In order for a generator accumulation activity to qualify for management under the "satellite accumulation rules," all of the following criteria must be satisfied:

(1) The hazardous waste must be accumulated in containers.

(2) The hazardous waste must be accumulated "at the initial accumulation point," which must be "at or near the area where the waste is generated."

The term "initial accumulation point" means that there cannot be any interim accumulation of the waste prior to its being accumulated at the satellite accumulation point. However, certain generating activities (for example, equipment maintenance) may necessitate the temporary interim accumulation of the waste during the process of performing such activities. Such temporary interim accumulation does not disallow satellite accumulation of the waste, if the interim accumulation is necessary to the generating activity and if the waste is placed in the satellite accumulation area prior to the end of the work shift of the individual operator of the process generating the waste. For example, drip pans may be used to collect oil at hard-to-reach locations and then placed in the satellite accumulation area at the end of the work shift. In another example, when maintenance crews are

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working on multiple floors or on scaffolding, they may temporarily accumulate the waste where they are working and then move it to a satellite accumulation point at the end of the work shift.

Residuals from the treatment of onsite waste may not be accumulated under the satellite accumulation exemption. (The waste treatment process is not the process initially generating the waste, and the accumulation of the waste subsequent to treatment does not qualify as initial accumulation.)

(3) The initial accumulation point must be under the control of the operator of the process generating the waste.

The term "operator of the process" means the hands-on operator of the machinery or activity that generates the waste, not the overall operator of the generator site or facility as a whole.

The term "under the control" means that the accumulation container must be in the line of sight of the operator or in a locked compartment to which the operator controls access. The purpose of this requirement is to ensure that the operator controls all access to and management of the accumulated waste. This prevents mixing of incompatible wastes and other unsafe management practices.

(4) The satellite accumulation point must be operated so as to ensure that a process or group of processes meeting the requirements above is subject to a single 55-gallon (or one quart) accumulation limit, except as provided below:

If not all of the waste streams generated by a single process or group of processes located within the same physical area are compatible, a separate 55-gallon (or one-quart) limit applies to each group of waste streams that are compatible.

If the generator determines that using only one 55-gallon (or one-quart) container for the initial accumulation of specific compatible waste streams is not practical (e.g., prevents recycling or requires unreasonable accumulation procedures) or is not safe from an environmental or worker and public health and safety standpoint, the generator may apply a sepa-

rate 55-gallon (or one-quart) limit to those specific compatible waste streams. This determination is subject to review and approval by DTSC.

## VI. LABORATORY ACCUMULATION

Pursuant to Health & Saf. Code, section 25200.3.1, a generator may accumulate, except as otherwise required by the federal act, up to 55 gallons of laboratory hazardous waste, or one quart of laboratory hazardous waste that is acutely hazardous waste, onsite in a laboratory accumulation area that is located as close as is practical to the location where the laboratory hazardous waste is generated, if all of the following conditions are met:

- The laboratory accumulation area is managed under the control of one or more designated personnel who have received training commensurate with their responsibilities and authority for managing laboratory hazardous wastes, and unsupervised access to the laboratory accumulation area is limited to personnel who have received training commensurate with their responsibilities and authority for managing laboratory hazardous wastes.
- The laboratory hazardous wastes are managed so as to ensure that incompatible laboratory hazardous wastes are not mixed, and are otherwise prevented from coming in contact with each other. However, incompatible laboratory hazardous wastes may be mixed together during treatment meeting the requirements of Health & Saf. Code, section 25200.3.1 (c), if one laboratory hazardous waste is being used to treat another laboratory hazardous waste pursuant to procedures published by the National Research Council or procedures published in peer-reviewed scientific journals.
- The amount of laboratory hazardous waste accumulated in the laboratory accumulation area is appropriate for the space limitations and the need to safely manage the containers and sepa-

rate incompatible laboratory hazardous wastes.

- All of the requirements of subdivision (d) of Health & Saf. Code, section 25123.3 are met, except for the requirements of paragraph (1) of subdivision (d) of Section 25123.3. These requirements are summarized in Section V (A), Satellite Accumulation Operational Requirements, of this fact sheet.

The laboratory accumulation area may be located in the room in which the accumulated laboratory hazardous wastes are generated or in another onsite location.

A separate fact sheet will be issued to address in detail the requirements for accumulation and/or treatment of hazardous waste in laboratories.

## VII. GENERATOR ACCUMULATION EXTENSIONS

### A. Extensions for RCRA Wastes

If RCRA hazardous wastes must remain onsite for longer than 90 days due to unforeseeable, temporary, and uncontrollable circumstances, an extension of up to 30 days may be granted at the discretion of DTSC on a case-by-case basis. Mixtures of RCRA regulated wastes and non-RCRA wastes are considered RCRA wastes. For more information on extensions, please contact DTSC at (510) 540-3874. An application for the extension can be obtained at DTSC's Web Site located at [www.dtsc.ca.gov/HazardousWaste/HWM\\_FRM\\_Accumulation-Extension.pdf](http://www.dtsc.ca.gov/HazardousWaste/HWM_FRM_Accumulation-Extension.pdf)

### B. Eligibility for Extensions for Non-RCRA Wastes

Title 22, Cal. Code Regs., section 66262.35 allows an extension of the accumulation time limits for non-RCRA hazardous wastes. These extensions apply only to non-RCRA or RCRA exempt hazardous waste generated onsite (Title 22, Cal. Code Regs., section 66262.35). Mixtures of RCRA regulated wastes and non-RCRA wastes are consid-

ered RCRA wastes and are not eligible. The accumulation of hazardous waste in waste piles (as defined in Title 22, Cal. Code Regs., section 66260.10) is not eligible for an extension. To be eligible, the hazardous waste must be accumulated either:

(1) In tank systems that comply with the standards of article 10 of chapter 15 of division 4.5 (Title 22, Cal. Code Regs.), or

(2) In containers that comply with the standards of article 9 of chapter 15 of division 4.5 (Title 22, Cal. Code Regs.), or

(3) On drip pads, provided that the generator complies with article 17.5 of chapter 15 of division 4.5 (Title 22, Cal. Code Regs.), or

(4) In containment buildings, provided that the generator complies with article 29 of chapter 15 of division 4.5 (Title 22, Cal. Code Regs.).

### C. One-Time “90-Day” Extensions for Non-RCRA Wastes

When unforeseeable, temporary, and uncontrollable circumstances occur, generators may be granted a one-time 90-day extension beyond the applicable accumulation time provided all of the following conditions are met:

(1) The generator submits a certified letter, with return receipt requested, to the Certified Unified Program Agency (CUPA) notifying the CUPA of the extension, provided that the letter is received before the applicable time limit expires.

If the generator is located in a jurisdiction with no CUPA, then the notification letter must be submitted to the officer or agency authorized to implement and enforce the requirements of Health & Saf. Code, section 25404(c)(1), currently DTSC. Contact the DTSC office nearest you for more information. See section XIV for list of phone numbers for DTSC Public and Business Liaisons.

(2) The generator must certify in the letter that the eligibility requirements and the conditions for the extension are met and that the hazardous waste

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will be managed in accordance with the requirements of Title 22.

(3) The generator must also certify, where applicable, that the hazardous waste is accumulated in tank systems that comply with the standards of Title 22, Cal. Code Regs., division 4.5, chapter 15, article 10, or containers that comply with the standards of Title 22, Cal. Code Regs., division 4.5, chapter 15, article 9, or placed on drip pads, provided that the generator complies with chapter 15, division 4.5, article 17.5, or placed in containment buildings, provided that the generator complies with article 29 of chapter 15 of division 4.5.

(4) The letter must include the names, mailing address, address or legal description of site location, telephone number, EPA ID number, the hazardous waste stream(s) for which the extension is being requested, the maximum quantity to be stored over the applicable time period, an explanation of how the waste stream is generated, the start and end dates of the 90 day extension period, and a detailed explanation why the extension is needed.

(5) All generators who are also authorized by DTSC with a full permit, Standardized Permit, or Interim Status must simultaneously submit to DTSC a copy of the letter submitted to the CUPA or authorized officer or agency. The letter must certify that the eligibility requirements and the conditions for the extension are met, and that the hazardous waste will be managed in accordance with the applicable requirements of Title 22.

(6) Upon request by a CUPA or authorized officer or agency, the generator must provide all documents, operating logs, reports, or any other information that supports the claim of the necessity for the extension or relates to the management of the hazardous waste for which the extension is requested.

#### **D. Case-By-Case Extensions for Non-RCRA Wastes**

One or more 90-day extensions may be granted by the CUPA or by the authorized officer or agency,

on a case-by-case basis, upon receipt of a written extension request from the generator. To be eligible for the case-by-case extension, the generator must show one of the following:

(1) There is a lack of offsite treatment capacity, or offsite disposal capacity, or there is no treatment process for the hazardous waste. The generator must submit documentation to the CUPA or authorized agency verifying attempts to locate an appropriate offsite treatment or disposal facility for the hazardous waste and list the names, addresses and phone numbers of all the disposal and/or treatment facilities that have been contacted. An example of this category is a military base that could not locate a treatment or disposal facility that would take its waste that was hazardous for radioactivity, PCBs and metals.

(2) A longer accumulation time is needed by the generator to treat hazardous waste onsite. This might be due to temporary equipment malfunctions or because treatment efficiencies require a larger volume of waste. Any speculative accumulation of hazardous waste, however, is not a sufficient reason for an extension.

(3) An extension is needed because an onsite cleanup activity requires a longer accumulation time (e.g. delays in cleanup due to weather conditions).

(4) An extension is needed because there was an emergency (e.g., explosion, fire) at the business.

(5) Generators that have already qualified for one 90-day extension beyond the 90-day accumulation time, but still require more time due to unforeseen, temporary, and uncontrollable circumstances.

(6) Other good cause as determined by the CUPA or if no CUPA then the authorized officer or agency in that jurisdiction.

#### **E. Extensions for Disasters for Non-RCRA Wastes**

In the event of a disaster, DTSC may grant an emergency waiver allowing a 90-day extension to the generators within the geographic area of the disaster if the following conditions are met::



(1) The hazardous waste must be accumulated in tank systems that comply with the technical standards of Title 22, Cal. Code Regs., chapter 15, article 10, or containers that comply with the technical standards of Title 22, Cal. Code Regs., chapter 15, article 9, or placed on drip pads, provided that the generator complies with Title 22, Cal. Code Regs., chapter 15, article 17.5, or placed in containment buildings, provided that the generator complies with article 29 of chapter 15 of Title 22, Cal. Code Regs.. Hazardous waste accumulated in waste piles shall not be eligible for this extension.

(2) DTSC issues a press release specifying which particular geographic area (e.g., city, county) will be granted an emergency waiver.

(3) The emergency waiver may only be activated when there has been a proclamation of a state of emergency by the federal, state, or local government for the geographic area.

(4) DTSC may further extend the effective period of the emergency waiver, as necessary, to assist the recovery process from the disaster. This extension would also be announced through a press release.

Upon request by the Department, a CUPA, or if no CUPA, the authorized officer or agency in that jurisdiction, the generator shall provide all documents, operating logs, reports, or any other information that supports the claim of necessity for the extension or relates to the management of the hazardous waste for which the extension is requested.

## VIII. TRANSFER FACILITY EXEMPTION

Hazardous waste generated offsite may be collected and accumulated without a grant of authorization only if the transfer facility exemption, set forth in Title 22, Cal. Code Regs., section 66270.1(c)(2)(C), applies. Under this exemption, transporters may during the normal course of transportation, accumulate manifested shipments of offsite hazardous waste in containers at a transfer facility for periods of six days or less, or 10 days or less

for transfer facilities in areas zoned industrial by the local planning authority, subject to the requirements of Title 22, Cal. Code Regs., sections 66262.30 and 66263.18.

## IX. PROCESS EQUIPMENT IN WHICH HAZARDOUS WASTE IS GENERATED

Pursuant to Title 22, Cal. Code Regs., section 66261.4(c), hazardous waste (e.g., sludge) in a manufacturing process unit or in a product or raw material tank, vehicle or vessel, or pipeline is not considered to be generated until the waste is removed from the unit, tank or other equipment (unless/until the waste remains in the unit for more than 90 days after the unit ceases to be operated). Therefore, prior to removal, such waste is not subject to the hazardous waste requirements. Additionally, such waste, while it is still in the process, product or raw material unit, is not included in determining the volume of waste being accumulated at the generator site.

## X. TREATMENT RESIDUALS

Treatment residuals are hazardous residuals resulting from the treatment of hazardous waste. Treatment residuals are not considered to be newly generated waste, and must be managed as either onsite or offsite waste depending upon the status of the waste prior to treatment (Health & Saf. Code, section 25200.3(c)(8)). Therefore, an authorized treatment facility that treats offsite hazardous waste must manage the hazardous residuals from such treatment as offsite hazardous waste.

An authorized treatment facility that treats hazardous waste originally generated onsite may accumulate the resulting residuals as any other onsite waste. However, the beginning and ending dates of the 90-day period for these residuals is the same as for the waste from which the residuals resulted (i.e., the residuals must be moved to an onsite or offsite

authorized facility within the appropriate time period after the date the original waste was generated). If wastes with different accumulation deadlines are treated together so that their respective residuals cannot be distinguished, the earliest of the deadlines applies to all of the resulting hazardous treatment residuals. (See section IV of this fact sheet for further information on accumulation.) Note: The "satellite" accumulation rules do not apply to the accumulation of treatment residuals.

## **XI. HAZARDOUS WASTE GENERATED AT REMOTE LOCATIONS**

Certain generators (i.e. utility companies, city public works departments) generate small amounts of hazardous waste in the course of conducting routine field maintenance operations. These field operations typically take place in remote locations where it is not feasible or practical to establish a generator accumulation area. The hazardous waste generated during these field operations is transported less frequently than on a daily basis by the generator's employees or by trained contractors under the control of the generator, in vehicles which are under control of the generator, or by registered hazardous waste transporters to a "consolidation site" owned or operated by the generator. Hazardous waste generated during remote field operations and taken to a "consolidation site" owned/operated by the generator for accumulation prior to treatment or disposal is deemed to be generated at the "consolidation site."

Such waste may be accumulated as onsite hazardous waste at the "consolidation site" under the "90-day accumulation rules." Examples of remote locations include utility companies generating waste at substations and city public works departments generating waste paint from public fixture maintenance. A separate fact sheet will be issued to address in further detail hazardous waste generated in remote locations. (Health & Saf. Code, sections 25110.10, 25121.3 and 25163.3.)

## **XII. REMEDIATION WASTE STAGING AREA**

Pursuant to Health & Saf. Code, sections 25123.3(a)(2) and 25123.3(e), a storage permit is not required for the temporary accumulation of non-RCRA contaminated soil that is generated and held onsite, and that is accumulated for the purpose of onsite treatment pursuant to a certified, authorized or permitted treatment method, such as a transportable treatment unit, if all of the following requirements are met:

(1) The hazardous waste being accumulated does not contain free liquids.

(2) The hazardous waste is accumulated on an impermeable surface, such as high density polyethylene (HDPE) of at least 20 mills that is supported by a foundation, or high density polyethylene of at least 60 mills that is not supported by a foundation.

(3) The generator provides controls for wind-blown dispersion and precipitation runoff and run-on and complies with any storm water permit requirements issued by a regional water quality control board.

(4) The generator has the accumulation site inspected weekly and after storms to ensure that the controls for windblown dispersion and precipitation runoff and run-on are functioning properly.

(5) The staging area is certified by a registered engineer for compliance with the standards specified in Health & Saf. Code, sections 25123.3(a)(2)(A) to 25123.3(a)(2)(D), inclusive.

(6) The total accumulation period is one year or less from the date of the initial placing of hazardous waste by the generator at the staging site for onsite remediation, except that DTSC may grant one six-month extension, upon a showing of reasonable cause by the generator.

(7) The generator must notify DTSC and the CUPA, or authorized agency, of plans to store and treat hazardous waste onsite in a remediation staging area.

If the generator determines that treatment cannot be accomplished for all, or part of, the hazardous waste accumulated in a remediation waste staging area, the generator must immediately notify DTSC and the appropriate local agency that the treatment has been discontinued. The generator must then handle and dispose of the hazardous waste in accordance with hazardous waste laws and regulations.

A generator may not hold hazardous waste for remediation waste staging unless the generator can show, through laboratory testing, bench scale testing, or other documentation, that soil held for remediation waste staging is potentially treatable.

Once an onsite treatment operation is completed on remediation waste, the generator must inspect the staging area for contamination and remediate as necessary.

### XIII. DEFINITIONS

**Container:** A device that is open or closed, and portable in which material can be stored, handled, treated, transported, recycled or disposed of. Note: Railroad cars are "containers," since they are portable when full. Therefore, railroad cars are subject to all storage and management requirements and restrictions applicable to containers.

**Containment Building:** A hazardous waste management unit that is used to store or treat hazardous waste under the provisions of Article 29 of chapter 14 or 15, division 4.5, Title 22, Cal. Code Regs.

**Drip Pad:** An engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation, and surface water run-on to an associated collection system at wood preserving plants.

**Generator or Producer:** Any person, by site, whose act or process produces hazardous waste or whose act

first causes a hazardous waste to become subject to regulation.

**Grant of Authorization:** A permit, interim status authorization, variance, permit-by-rule, conditional authorization, conditional exemption, or consent order.

**Hazardous Waste Facility or Facility:** All contiguous land and structures, other appurtenances, and improvements on the land used for treatment, transfer, storage, resource recovery, disposal or recycling of hazardous wastes. A hazardous waste facility may consist of one or more treatment, transfer, storage, resource recovery, disposal or recycling operational units or combinations of these units.

**Laboratory Accumulation Area:** The area where laboratory hazardous wastes are accumulated.

**Non-RCRA Hazardous Waste:** All hazardous waste regulated in the State of California, other than RCRA (federally-regulated) hazardous waste. A hazardous waste is presumed to be a RCRA hazardous waste, unless it is determined pursuant to Title 22, Cal. Code Regs., section 66261.101 that it is a non-RCRA hazardous waste.

**Offsite:** Any site which is not onsite.

**Onsite:** The same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection, and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which that person controls and to which the public does not have access, are also considered onsite property.

**RCRA:** Resource Conservation and Recovery Act (RCRA). Federal statute that regulates facilities that treat, store or dispose of hazardous waste. All RCRA

hazardous wastes are identified in Part 261 of Title 40 of the Code of Federal Regulations and appendices and Title 22, Cal. Code Regs., Section 66261.1 et seq.

**Storage Facility:** A hazardous waste facility at which the hazardous waste is either:

- (1) held onsite past the applicable time limit (90/180/270 days) ;
- (2) held for any period of time at an offsite facility that is not a transfer facility; or
- (3) held at a transfer facility for periods longer than six days, or longer than 10 days for transfer facilities located in industrial areas.

The department may extend the above period of time for hazardous waste that is generated as a result of an emergency release and that is collected and temporarily stored by emergency rescue personnel, as defined in Section 25501, or by a response action contractor, upon the request of emergency rescue personnel or the response action contractor.

(4) The hazardous waste is held at a transfer facility for any period of time in a manner other than in a container or tank.

(5) The hazardous waste is held at a transfer facility for any period of time and handling occurs other than the transfer of packages or containerized hazardous waste from one vehicle to another.

A grant of authorization from the Department is required for a Hazardous Waste Storage Facility.

**Tank:** A stationary device, designed to contain an accumulation of hazardous waste and which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support. Note: Devices that are designed to allow the attachment of "hard-piping" are considered to be tanks, because this indicates that they are not intended to be moved while in use.



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**If you have questions about waste accumulation that were not addressed in this fact sheet, please contact the DTSC office nearest you, or call the regional Public and Business Liaisons at (800) 72TOXIC (1-800-728-6942).**

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