

CHAPTER 6
HAZARDOUS WASTE AND MEDICAL WASTE INSPECTIONS

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CHAPTER 6

HAZARDOUS WASTE AND MEDICAL WASTE INSPECTIONS

1. GENERAL. Statute requires the Department place a high priority on the random inspection of on and off highway hazardous waste (HW) transport vehicles and containers. It is the intent of the Legislature and the Department to provide additional protection to the public, the environment, and property, and reduce the risk of possible hazards in the highway transportation of HW. The majority of HW transport vehicles and container inspections will be the responsibility of Department inspection/enforcement personnel assigned to the commercial vehicle enforcement facilities. This policy does not apply to radioactive waste subject to the requirements of Title 10 of the United States Code (USC).

2. DEFINITIONS. The following definitions shall be used for the purpose of the Department HW Transport Vehicle/Container Inspection Program:
 - a. Hazardous Waste. "Hazardous Waste" is defined as any material that is subject to the Hazardous Waste Manifest Requirements of the United States Environmental Protection Agency (U.S. EPA) specified in Title 40, Code of Federal Regulations (40 CFR), Part 262, or is defined in Sections 25115 and 25117 of the Health and Safety (H&S) Code.

 - b. Hazardous Waste Container. A HW container, as used in this chapter, is a bulk package as defined in Title 49 of the Code of Federal Regulations (49 CFR), Section 171.8 (e.g., portable tank, intermediate bulk container, or roll-off bins) used for the transportation of HW.

 - c. Transport Vehicle. A transport vehicle is a motor truck, trailer, semi-trailer, or tank vehicle used for the transportation of HW. "Vehicle" does not include a truck tractor unless it is capable of carrying and/or containing a portion of the HW load.

 - d. Resource Conservation Recovery Act (RCRA) of 1976. The RCRA of 1976, found in USC 42, Chapter 82, gave the U.S. EPA the authority to regulate HW management. This includes regulations pertaining to HW generation, transportation, treatment, storage, and disposal, or "cradle to grave." These wastes are regulated by 40 CFR, Parts 261-279 and are commonly referred to as "RCRA waste."

 - e. Medical Waste. As used in this chapter, the definitions for medical waste given in 49 CFR, Section 173.134, or Section 117690 H&S will be used as applicable. Medical waste is a biohazardous or a sharps waste which was:

- (1) Generated or produced as a result of diagnosis, treatment, or immunization of humans or animals;
- (2) Research pertaining to any of these activities; or
- (3) The production or testing of medicinal preparations made from living organisms and their products including serums, vaccines, antigens and antitoxins.

3. POLICY.

- a. Hazardous Waste Transport Vehicle/Container Inspections. The inspection of HW transporter vehicles/containers may only be conducted in conjunction with a North American Standard (NAS) Level 1, Level 2 (Mobile Road Enforcement personnel only), Level 3, or Level 5 inspection; and the Basic Hazardous Material Inspection. Vehicles/containers displaying current Commercial Vehicle Safety Alliance (CVSA) decals should not be selected for HW transport vehicle/container inspections absent observed violations. However, a HW transport vehicle/container to which a CVSA decal has been affixed should not be subject to a HW transport vehicle/container inspection more often than once every 12 months, absent an observed violation. Existing policy regarding equipment inspection frequency (no more than once every 90 days) remains in full effect, and is not impacted by the presence or absence of HW transport vehicle/container CVSA decals.
- b. To ensure the safety of the public, the environment, property, and to prevent on-highway incidents involving HW transport vehicles/containers, inspection/enforcement personnel should conduct as many inspections of HW transport vehicles/containers as practical each year.
- c. The inspection of HW transport vehicles/containers shall be conducted to determine whether or not they are designed, constructed, maintained, and used in compliance with regulations.
- d. Hazardous waste transport vehicles/containers placed out-of-service shall not be allowed to proceed until all out-of-service conditions are corrected. Refer to Highway Patrol Manual (HPM) 82.6, Commercial Enforcement Manual, for out-of-service policy.

4. OCCUPATIONAL SAFETY.

- a. Protective Safety Equipment. Inspection/enforcement personnel shall be issued protective safety equipment, as described in Chapter 5 of this manual.

b. Precautions. Safe working conditions and procedures are imperative when inspecting HW vehicles/containers.

(1) Personnel shall follow those safety precautions outlined in Chapter 4 and Chapter 5 of this manual.

(2) In the event a leaking HW transport vehicle/container is detected, the inspection shall be discontinued and appropriate hazardous materials response measures shall be taken as outlined in Chapter 2 and Chapter 4 of this manual.

(3) When inspecting tanks and containers, inspection personnel must always be alert for secondary hazards (e.g., many flammable products are also corrosive or poisonous). Particular care must be exercised with pesticides and fumigants, which usually have multiple hazards.

(4) If positive product safety determination can not be made, those portions of the inspection that could lead to exposure shall be omitted. The remainder of the inspection shall be conducted, and the omitted items shall be indicated on the inspection document, including the reason for the partial inspection.

5. ON-HIGHWAY INSPECTION PROCEDURES.

a. Inspections. When performing HW transport vehicle/container inspections, inspection/enforcement personnel shall use the following inspection guidelines in conjunction with the appropriate NAS Inspection and the Basic Hazardous Material Inspection. Motor Carrier Specialist personnel shall normally inspect a HW transport vehicle/container in conjunction with Biennial Inspection of Terminals (BIT) Program representative sample inspections.

b. Scope of Inspections. The HW transport vehicle/container inspection shall be limited to the following inspection items unless it becomes apparent a more extensive inspection is warranted:

(1) Hazardous Waste Manifest.

(a) Hazardous waste transporters must carry a Uniform Hazardous Waste Manifest, EPA 8700-22, (and, if necessary the continuation page, EPA 8700-22A) which identifies the waste, amount, composition, origin, and destination of the commodity (Section 25160 H&S).

(b) The required manifest form is defined by the U.S. EPA in 40 CFR, Section 260.10 and its use is prescribed by Sections 263.20 and 263.21.

(c) A material which is identified as a HW according to U.S. EPA criteria will appear in the RCRA. These materials shall be described on the EPA 8700-22 or EPA 8700-22A by the proper shipping name as it appears for the commodity in 49 CFR, Section 172.101 (haz-mat table), on a manifest. The word "waste" must precede the proper shipping name as required by 49 CFR Section 172.101(c) (9), unless it appears as part of the proper shipping name.

(d) California HW criteria are more stringent than U.S. EPA criteria. When a material does not qualify as a HW according to U.S. EPA criteria, but is regulated as a hazardous waste by the Department of Toxic Substance Control (DTSC), it is considered non-RCRA waste. Whenever a non-RCRA waste appears in the haz-mat table, it shall be entered on the EPA 8700-22 or EPA 8700-22A by that description as prescribed in subparagraph (c). If the waste does not appear in the haz-mat table, it shall be entered with the use of the phrase "Non-RCRA Hazardous Waste, Solid" or "Non-RCRA Hazardous Waste, Liquid" in conjunction with the generic name for the waste found in Title 22 of the California Code of Regulations (22 CCR), Division 4.5, Chapter 11, Appendix X, Subsection (b). If the name of the waste is not listed in Appendix X, Subsection (b), a commonly recognized industrial name for the waste shall be used in conjunction with the phrase Non-RCRA hazardous waste, Solid or Non-RCRA hazardous waste, Liquid.

(e) Manifest procedures for generators and transporters of HW are located in Division 20, Chapter 6.5, Article 6 H&S and 22 CCR, Division 4.5, Chapter 12 (generators), and Chapter 13 (transporters).

1 A copy of a Uniform Hazardous Waste Manifest is shown in Annex 6-13. The continuation page for the manifest is shown in Annex 6-14.

2 Generator and transporter manifest requirements are located in 22 CCR, however, enforcement sections for manifest requirements are found in the H&S Code.

a Section 25160(b) H&S, a misdemeanor, is the most correct citing section for manifest violations chargeable to the waste generator, with the appropriate 22 CCR section referenced in the body of the citation or complaint.

b Section 25160(d) H&S, a misdemeanor, is the most correct citing section for manifest violations chargeable to the HW transporter, with the appropriate 22 CCR section referenced in the body of the citation or complaint.

c Department of Toxic Substance Control may grant variances (exemptions) to HW transporters. A copy of the variance letter and a proper hazardous waste manifest must accompany each shipment.

(2) Placards and Markings.

(a) Check for proper placarding.

(b) Check all marking requirements, to assure compliance with transportation regulations.

(3) Department of Toxic Substance Control Registration. Pursuant to Section 25163 H&S, it is unlawful for any person to engage in the transportation of HW unless the person holds a valid registration issued by DTSC. A copy of the registration must be in the possession of the driver and shown to any California Highway Patrol (CHP) officer upon demand.

(4) Hazardous Waste Transport Vehicle and Container.

(a) The inspection of a HW vehicle shall be limited to those inspection items outlined in the CVSA NAS Inspection.

(b) The inspection of a HW transport vehicle/container shall be limited to those inspection items outlined in the CVSA NAS Inspection and Chapters 4 and 5 of this manual.

(c) Hazardous waste containers, not meeting the definition of a "cargo tank," shall be inspected for integrity and for serviceability of all components or attached equipment to ensure that they are maintained to prevent the contents from release under conditions normally encountered during transportation.

(d) Bulk packages not constructed, maintained, and retested to a Department of Transportation specification and corresponding retest requirement may only be inspected for integrity and for serviceability of all components or attached equipment.

6. ENFORCEMENT.

a. General. When a violation is detected, personnel shall take the most appropriate enforcement action in accordance with HPM 100.68, Traffic Enforcement, and this chapter. Enforcement documents shall be prepared in accordance with HPM 100.9, Enforcement Documents.

- b. Recording Violations. Violations detected on highway shall be documented based upon the guidelines in Chapter 2 of HPM 82.6, Commercial Enforcement. Violations detected during terminal inspections shall be documented based upon the guidelines in Chapter 2 of HPM 84.1, Motor Carrier Safety Operations. Enforcement personnel should use sound professional judgment when taking enforcement actions.
- c. Reference of Violations. Annex 4-A of this manual contains the list of inspection items, California law, applicable 13 CCR citing sections, and 49 CFR reference sections.
- d. Out-of-Service (OOS) Standards. Annex 4-B of this manual contains the CVSA OOS standards for violations of hazardous materials regulations.
- e. Disciplinary Actions. Independently, or at the request of the Department, DTSC may pursue administrative actions against HW transporters for failure to comply with applicable regulations. Such actions may include suspension, denial, or revocation of transporter registrations, or the assessment of significant monetary penalties.

7. APPLICATION OF THE COMMERCIAL VEHICLE SAFETY ALLIANCE DECAL.

- a. Decal Eligibility. A CVSA decal shall be affixed to each HW transport vehicle which has been inspected and found to be in compliance.
 - (1) Transport Vehicle. A CVSA decal shall be affixed in accordance with policies contained in Chapter 3 of HPM 82.6.
 - (2) Roll-off Bin. The CVSA decal shall be affixed to the lower front corner of the right side of the roll-off bin.
 - (3) Dumpster. A CVSA decal shall be affixed to the upper right/front corner.
- b. CHP 406B, Commercial Vehicle Safety Alliance Decal Issue Log. Many HW transport containers will not display individual identification indicia. In these instances, note the inspection number on the 407F, Safetynet Driver/Vehicle Inspection Report, under the heading "Vehicle License Numbers" on the CHP 406B, for each decal issued to such a container.

8. MEDICAL WASTE.

- a. General. The Medical Waste Management Act of 1990 redefined HW and medical waste. Medical waste is not HW, but is included in the scope of the

hazardous materials and hazardous substance definitions contained in California Vehicle Code (VC) Sections 353 and 2452; therefore, the Department is mandated to regulate their transportation.

(1) The Department of Health Services. The Department of Health Services (DHS), Environmental Health Division, administers California's Medical Waste Management Program. This program regulates the handling, processing, use, storage, and disposal of medical waste (Section 117610 H&S). Medical waste transportation is included in the definition of hazardous materials (Section 353 VC) and is subject to specific VC hazardous materials requirements (e.g., Sections 21515[b] and 23112.5 VC).

(2) Medical Waste Spills. Medical waste is included within the scope of the definition of a hazardous substance (Section 2452 VC). Medical waste spill incidents are included in the hazardous spill notification, information, and assistance system and are covered under departmental incident command authority (Sections 2453 and 2454 VC).

(3) Proper Shipping Name. Whenever possible, the proper shipping name for RCRA hazardous waste should be written as it appears in 49 CFR, Section 172.101 (haz-mat table), preceded by the term "waste" as required by 49 CFR, Section 171.101(c). For example: Waste, Medicine, liquid, flammable, toxic, n.o.s., or Waste, Biological substance, Category B.

b. Registration of Medical Waste Transporters. Any person engaged in the business of transporting medical waste is required to obtain a HW transporter registration from DTSC (Section 118000 H&S) even though medical waste is not classified as a hazardous waste. There are also exceptions to the registration requirement for transportation of "limited quantities" of medical waste (Section 118030 H&S).

(1) Registration Process. Application for initial or renewal hazardous waste registration must be on forms provided by DTSC and accompanied by the appropriate fees (Sections 25165 – 25167 H&S). After processing the application, the HW transporter registration is issued by DTSC. The registration is valid for one year. The medical waste transporter must carry a copy of the registration in the transport vehicle (Section 25163[a][2] H&S).

(2) Vehicle and Container Inspection and Certification Not Required. There is no requirement to inspect and certify vehicles or containers used solely for the transportation of medical waste.

c. Medical Waste Management Program. This program does not require mandatory annual inspections of the transporter's terminal, vehicle(s), or

container(s). However, the inclusion of medical waste into the scope of Section 34500(g) VC has the following effect upon transporters of medical waste:

(1) Medical waste transporters operating vehicles listed in Section 34500(g) VC and holding a HW transporter registration are subject to the BIT Program.

(2) Medical waste transporters operating vehicles listed in Section 34500(g) VC are subject to the carrier identification requirements of Section 34507.5 VC.

(3) The "limited application" provision of 13, CCR, pertaining to the Department's motor carrier safety regulations, applies to medical waste transporters operating only two-axle vehicles.

(4) The inspection, maintenance, and record keeping requirements contained in Section 34505.5 VC apply to transporters of medical waste operating vehicles listed in Section 34500(g) VC.

(5) Transporters are not directly subject to Sections 1808.1 VC (Pull Notice Program), Sections 15275 or 15278 VC (hazardous materials endorsement) because there are no placards or vehicle marking requirements applicable to medical waste. However, the provisions of Section 1808.1 VC should be considered carefully as the carrier's vehicle type may require compliance.

d. Medical Waste Tracking Document. Medical waste transporters must carry a tracking document which identifies the type, quantity, origin, and destination of the medical waste (Section 118040 H&S).

(1) Tracking document content and procedures are prescribed by DHS (Section 118040 H&S). There is no specifically mandated form or format for medical waste tracking documents.

(2) On-highway enforcement of Section 118040 H&S is authorized pursuant to Section 2401.1 VC.

e. Enforcement. Under the authority of Section 2401.1 VC, on-highway enforcement actions against medical waste transporters should be limited to the applicable provisions of Sections 118000 and 118040 H&S.

NOTE: Department personnel are reminded that medical waste transportation violations which appear to go beyond minor offenses should be referred to the applicable Division Environmental Crimes Investigation Unit.

ANNEX A

UNIFORM HAZARDOUS WASTE MANIFEST, EPA 8700-22

Please print or type. (Form designed for use on elite (12-pitch) typewriter.) Form Approved. OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Manifest Tracking Number	
5. Generator's Name and Mailing Address			Generator's Site Address (if different than mailing address)			
Generator's Phone:						
6. Transporter 1 Company Name				U.S. EPA ID Number		
7. Transporter 2 Company Name				U.S. EPA ID Number		
8. Designated Facility Name and Site Address				U.S. EPA ID Number		
Facility's Phone:						
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
		No.	Type			
1.						
2.						
3.						
4.						
14. Special Handling Instructions and Additional Information						
<p style="font-size: x-small;">15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.</p>						
Generator's/Offeror's Printed/Typed Name			Signature		Month	Day
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____						
Transporter signature (for exports only): _____ Date leaving U.S.: _____						
17. Transporter Acknowledgment of Receipt of Materials						
Transporter 1 Printed/Typed Name			Signature		Month	Day
Transporter 2 Printed/Typed Name			Signature		Month	Day
18. Discrepancy						
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection						
Manifest Reference Number: _____						
18b. Alternate Facility (or Generator)				U.S. EPA ID Number		
Facility's Phone:						
18c. Signature of Alternate Facility (or Generator)						
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						
1.	2.	3.	4.			
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a						
Printed/Typed Name			Signature		Month	Day

EPA Form 8700-22 (Rev. 3-05) Previous editions are obsolete. DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

