

SUBCHAPTER N: HOUSEHOLD HAZARDOUS WASTES
§§335.401 - 335.403, 335.405, 335.407, 335.409, 335.411, 335.413, 335.415, 335.417, 335.419
Effective July 31, 2008

§335.401. Purpose and Applicability.

(a) The purpose of this subchapter is to provide requirements for persons who are involved in any combination of collecting, aggregating, offering for reuse, recycling, transporting, or disposing of household hazardous wastes and other types of household waste materials that may, due to their quantity and characteristics, pose a potential endangerment to human health or the environment if improperly handled.

(b) The requirements of this subchapter apply to persons who engage in any combination of the following activities:

(1) collect, aggregate, or store household hazardous waste for offering for reuse, recycling, processing, or disposal;

(2) provide a point of generation pick-up service;

(3) operate a mobile collection unit;

(4) operate a collection event;

(5) operate a permanent collection center;

(6) transport any aggregated household hazardous waste; and

(7) own or manage a hazardous waste processing, storage or disposal facility that receives household hazardous waste directly from the public or households.

(c) The requirements of this subchapter do not apply to:

(1) persons who receive from households for the purpose of reuse, recycling or reclamation any combination of used oil, batteries, antifreeze, and paint, provided such persons do not collect other household hazardous waste or other household wastes under the requirements of this subchapter;

(2) persons who collect less than 100 pounds of household hazardous waste per year;

(3) retailers who accept from the public only waste items that are of the same type(s) as products sold by the retailer;

(4) collection events organized primarily for the purpose of collecting for processing or disposal pesticides and other wastes from agricultural operations and incidental amounts of household hazardous wastes, if no fees are charged for the collection and if registered transporters are used to haul the collected wastes to hazardous waste processing, storage, or disposal facilities; or

(5) organizations that collect used electronic equipment from the public for reuse, provided such individuals do not make a determination during the collection of whether the electronics are wastes, do not handle the electronics in a manner that renders them useless, and do not collect household hazardous waste or other household wastes covered under the requirements of this subchapter.

(d) Any provisions of this subchapter may be waived by the executive director for emergencies, disasters, or in other circumstances where flexibility from the requirements is necessary to protect public health and the environment.

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§335.402. Definitions.

In addition to the definitions in §3.2 of this title (relating to Definitions) and §335.1 of this title (relating to Definitions), the following words and terms, when used in this subchapter, have the following meanings:

(1) **Aggregate** - The act of bringing together household hazardous waste that, after being separated from other household waste, is collected from two or more households and accumulated at a collection event, permanent collection center, point of generation pick-up service, mobile collection unit, or transporter's facility for the purpose of reusing, recycling, or disposing the material.

(2) **Collection event**- A one-time or recurrent designation of a site and areas within that site for use by an operator to collect or aggregate household hazardous waste delivered to the site by individuals, households, or collectors and to store the waste for less than 48 hours.

(3) **Collector** - Any person who accepts from two or more households any waste materials that have been separated from other household waste and offered to the collector because the generator either knows or considers the materials to be household hazardous waste. This term includes persons involved with household hazardous waste collection programs, but does not include persons delivering wastes that have not been aggregated to a collection program with which they are not affiliated.

(4) **Hazardous waste processing, storage, or disposal facility** - A hazardous waste processing, storage, or disposal facility that has received an United States Environmental Protection Agency (EPA) permit (or a facility with interim status) in accordance with the requirements of 40 Code of Federal Regulations (CFR) Parts 270 and 124, or that has received a permit from a state authorized in accordance with 40 CFR Part 271.

(5) **Household** - Single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreational areas.

(6) **Household hazardous waste** - Any solid waste generated in a household by a consumer which, except for the exclusion provided in 40 Code of Federal Regulations (CFR) §261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261. The term has the same meaning as "hazardous household waste."

(7) **Inclement weather** - Weather that could present a hazard in the operation of a collection event, permanent collection center, mobile collection unit, or point of generation pick-up service, including temperature extremes, high winds, rain, and severe weather.

(8) **Mobile collection unit** – A vehicle (such as a truck or trailer) that is used to aggregate household waste materials delivered by the public prior to transporting the material to a permanent collection center, collection event, or registered hazardous waste transporter facility.

(9) **Operator** – A person responsible for the collection, aggregation, and storage of household hazardous waste and household materials at a collection event or permanent collection center, in a point of generation pick-up service or mobile collection unit, or in any combination of collection programs; or, if the context clearly refers to an operator of a hazardous waste processing, storage, or disposal facility, the term has the same meaning as defined in §335.1 of this title.

(10) **Permanent collection center** - A designated site and facilities used to collect and aggregate household hazardous wastes on an ongoing basis and to store the wastes for 48 hours or longer.

(11) **Personnel** - All individuals who perform tasks at or oversee the operations of a collection event, permanent collection center, mobile collection unit, or point of generation pick-up service, and whose actions or failure to act may result in noncompliance with the requirements of this subchapter.

(12) **Point of generation pick-up service** – A service to collect household hazardous waste at generating households, either through direct contact with the generators or by collection of household hazardous waste left at curbside or in another location at the household.

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§335.403. General Requirements for Household Hazardous Waste Collections.

(a) Except as provided in subsection (e) of this section, no person may collect or aggregate household hazardous waste that has been segregated from other solid waste, provide point of generation pick-up service, operate a mobile collection unit, operate a collection event, or operate a permanent collection center without having first submitted a current notification to the executive director, in accordance with subsection (b) of this section.

(b) On a form provided by the commission, an operator shall submit a signed notification to the executive director at least 45 days prior to conducting activities covered by this subchapter. For on-going collection programs, such as multiple collection events at a single location, point of generation pick-up services, and permanent collection centers, the notification must be resubmitted whenever the information provided in the notification changes. For multiple collection events and mobile collection units, each location where a collection will be held must be covered in a separate notification, but multiple collections at one location can be covered by a single notification if the same information other than dates applies to each collection. The notification must include the following information:

- (1) name and address of the operator;

(2) name, address, and telephone number of an individual to be the contact person for the operator;

(3) date(s) and times of the planned collection(s) or days and hours of operation of a permanent collection center, point of generation pick-up service, or mobile collection unit(s), including inclement weather dates if applicable;

(4) for a collection event, permanent collection center or mobile collection unit, the address of the collection site and the part of the site that will be used for collections;

(5) for a point of generation pick-up service or mobile collection unit, the address of the collection event, permanent collection center, or registered hazardous waste transporter's facility where collected wastes will be delivered, or a statement that the aggregated household hazardous waste will be transported to a hazardous waste processing, storage, or disposal facility by a registered hazardous waste transporter from the collection site;

(6) the name of the person who owns the property where a permanent collection center is located, where a collection event will be held, or where a mobile collection unit will be used; a signed letter that clearly gives permission for the use of the property for the stated purpose must be attached to the notification;

(7) areas that are planned to be covered by the collection effort, i.e., city, county, precinct, neighborhood, district, region, etc.;

(8) the types by waste category of each type of household materials that will be collected;

(9) permanent collection centers (including sites where household hazardous waste will be stored for 48 hours or longer) must include a properly completed TCEQ Core Data Form (Form TCEQ-10400) with the notification; and

(10) the planned disposition of wastes that are received in the collection efforts, including the name(s), address(es), and United States Environmental Protection Agency (EPA) identification number(s) of the transporter(s) to be used and the name, address, and EPA identification number of each recycling and hazardous waste facilities that is planned to receive the wastes collected.

(c) Along with the notification described in subsection (b) of this section, owners or operators of a permanent collection center shall submit an originally signed financial assurance mechanism acceptable to the executive director to provide for proper closure of the site(s). Prior to the notification, owners or operators must provide sufficient information to the executive director to allow the agency to determine an acceptable amount, format and type of financial assurance. Local governments as well as state and federal entities whose debts and liabilities are the debts and liabilities of a state or the United States are not subject to this subsection. Except for those operated by a local government or state or federal entity, a permanent collection center may not operate without obtaining and maintaining financial assurance acceptable to the executive director.

(d) In addition to the other requirements of this subchapter, an operator of a collection event, permanent collection center, point of generation pick-up service, mobile collection unit, or any combination of these:

(1) shall develop and follow a complete operational plan as required in §335.405(a) of this title (relating to Operational Plans) and;

(2) may not collect hazardous waste or Class 1 waste, as defined by this chapter, unless authorized under a permit or authorization issued under this chapter or Chapter 330 of this title (relating to Municipal Solid Waste);

(3) shall ship, for proper processing or disposal, aggregated household hazardous waste only to a hazardous waste processing, storage, or disposal facility that is authorized to receive household hazardous waste and that has agreed to accept the waste, except in cases where aggregated household hazardous waste is shipped to a permanent collection center for the purpose of consolidating aggregated household hazardous waste;

(4) shall have collected household hazardous waste transported in one of the following manners:

(A) any aggregated household hazardous waste from a collection event or permanent collection center must be transported only by a registered hazardous waste transporter under a uniform hazardous waste manifest to a hazardous waste processing, storage, or disposal facility authorized to receive household hazardous waste that has agreed to accept the wastes or as universal waste if allowed under Subchapter H, Division 5 of this chapter (relating the Universal Waste Rule), except in cases where aggregated household hazardous waste is shipped to a permanent collection center for the purpose of consolidating aggregated household hazardous waste;

(B) the operator may transport any household hazardous waste on a point of generation pick-up service or mobile collection unit to a permanent collection center, collection event, or registered hazardous waste transporter's facility; or

(C) the operator may have any household hazardous waste collected by a point of generation pick-up service or mobile collection unit transported by a registered hazardous waste transporter under a uniform hazardous waste manifest to a hazardous waste processing, storage, or disposal facility authorized to receive household hazardous waste that has agreed to accept the wastes or as universal waste if allowed under Subchapter H, Division 5 of this chapter;

(5) shall maintain records related to household hazardous waste collected and processed or disposed for one year after processing or disposal of the wastes; and

(6) shall report annually to the executive director the amounts of household hazardous waste and household materials collected. The operator shall submit the report by April 1st of each year for the previous calendar year, using a form provided by the commission.

(e) Owners or operators of hazardous waste processing, storage, or disposal facilities who accept or intend to accept household hazardous waste directly from households are not subject to the requirements of this subchapter other than the reporting requirements in subsection (d)(6) of this section, provided that the acceptance of household hazardous waste is authorized by their operating permit.

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§335.405. Operational Plans.

(a) A person conducting activities under this subchapter shall develop a complete operational plan prior to the collection of household materials and shall revise the plan as needed for ongoing and future operations. The operational plan must accurately depict the specific plan for how all wastes and materials will be handled during and after collection efforts. The operational plan:

(1) must identify the nature, type, and quantity of household hazardous waste and other materials proposed for collection and reuse, recycling, processing or disposal;

(2) must describe the source(s), amounts and types of wastes that would be accepted at a collection event, permanent collection center, point of generation pick-up service, mobile collection unit, or any combination of these, and if the collectors involved in the programs are not under a single operator, must describe the source(s), amounts, and types of wastes that will be transferred by a point of generation pick-up service or mobile collection unit to a collection event or permanent collection center or that will be transferred to a different permanent collection center for consolidation with other household hazardous waste;

(3) must establish the minimum number of operator staff, contractors, volunteers, and other individuals needed to conduct collection operations at each collection event, permanent collection center, mobile collection unit, and point of generation pick-up service covered by the operational plan; the specific functions of each type of staff; and how the training requirements that apply to their functions have been or will be met;

(4) must describe the planned disposition of all waste collected, including the name and United States Environmental Protection Agency (EPA) identification number of the transporter (or transporters) that will haul the aggregated household hazardous waste, and the name, address, and EPA identification number of the hazardous waste processing, storage, or disposal facility (or facilities) to be used for the processing, storage, disposal, recycling for energy recovery, or recycling of the aggregated household hazardous waste. If materials received in usable condition will be offered to persons for reuse, the operational plan must describe in detail the manner in which this will be done. The operator, in developing the plan for the disposition of waste to be received, shall determine the feasibility of managing collected household hazardous waste in the following order of preference:

(A) reuse for the product's intended purpose;

(B) recycling;

(C) recycling for energy recovery;

(D) treatment to destroy hazardous characteristics;

(E) treatment to reduce hazardous characteristics;

(F) underground injection; and

(G) land disposal;

(5) must include a detailed description of procedures to ensure that hazardous waste or Class 1 wastes, as defined in this chapter, are not accepted as household hazardous waste, including but not limited to screening procedures for persons bringing wastes to collections or participating in point of generation pick-up services, survey questions that will be asked of participants, and the amounts or types of wastes that will require further explanation from generators prior to acceptance;

(6) must include methods used to classify and control wastes received, including but not limited to the following:

(A) the waste streams that will be accepted and the types that will be rejected;

(B) the types of shipping containers and the storage areas to be used for each waste stream that will be accepted;

(C) the methods used to categorize wastes prior to packaging for shipment and processing or disposal;

(D) the methods used to handle and identify unknown wastes;

(E) bulking procedures if used;

(F) procedures for handling containers that are unsealed, leaking, or contaminated on their external surface when received; and

(G) procedures for any other wastes with special handling and processing or disposal needs, if any would be accepted, including but not limited to the following:

(i) radioactive materials;

(ii) medical wastes (such as used syringes);

(iii) asbestos;

(iv) polychlorinated biphenyls (PCBs);

(v) explosives;

(vi) compressed gas cylinders; and

(vii) tanks for compressed fuels;

(7) must include a detailed discussion of provisions for inclement weather, including severe weather, rain, wind, and extreme temperatures;

(8) must include a detailed discussion of recordkeeping for the wastes received and shipped for processing or disposal; and

(9) must include the following attachments:

(A) Attachment 1 is a site map constructed to show the features of the collection event site, the permanent collection center, or the site used with a mobile collection unit. The map need not be drawn to scale but must fairly represent the improvements and boundaries of the collection area. The map must be annotated to show flow of traffic, unloading points, location of emergency equipment and vehicles, and waste handling and storage areas.

(B) Attachment 2 is evidence of competency to operate, including experience and qualifications of key personnel and copies of records for all required training in this subchapter for all operator, contractor, or other staff or individuals who will work at any collection event, at any permanent collection center, on any mobile collection unit, in the point of generation pick-up service, or any combination of these covered by the plan.

(C) Attachment 3 is a Health and Safety Plan, including but not limited to the following information:

(i) the location and contents of the first aid kits available on site, in each mobile collection unit, and on each point of generation pick-up service vehicle;

(ii) the location and type of telephones or radios available at the site, on each mobile collection unit, and on each point of generation pick-up service vehicle for summoning emergency assistance and any specific instructions related to usage of this equipment;

(iii) detailed procedures for avoiding and responding to spills of liquid materials and solid materials, including at least the following:

(I) identifying who will respond to different sizes and types of spills (including on-site staff, emergency responders, contractors, etc.);

(II) detailed methods to be used for spill avoidance, control, and cleanup;

(III) decontamination procedures for people and equipment;

(IV) processing or disposal of contaminated materials and other wastes;

(V) types of engineering controls and personal protective equipment available on site and procedures for proper selection and use during spill responses;

(VI) the types and locations of equipment and materials available on site;

(VII) the duties of specific personnel or job functions;

(VIII) evacuation procedures (including at least the collection site and if appropriate the surrounding area); and

(IX) procedures for reporting of spills to local, state, and federal authorities;

(iv) preparation and response procedures for fires, including at least the following:

(I) the location and types of fire extinguishers and other types of fire suppression and prevention equipment available at the site, on each mobile collection unit, and on each point of generation pick up collection vehicle;

(II) when on-site fire extinguishers and equipment would be used and when the fire department would be summoned;

(III) evacuation procedures (including the site at least and the surrounding areas if appropriate);

(IV) the identity and storage location of any materials to be collected that may require special methods for fire fighting (such as flammable liquids, flammable metals, explosives, compressed gases, aerosol cans, water reactive materials, etc.); and

(V) the availability of a local fire department and whether they can handle the largest fire possible from the planned collection either with available resources or through mutual aid arrangements;

(v) the timing and content of training or briefings on safety to be provided to staff and volunteers prior to their involvement in the waste collection.

(b) The operational plan must be available at a collection event or permanent collection center and at the offices of the entity operating the collection program. The operator shall use the operational plan as a reference in training staff, planning, and conducting collections of household hazardous waste and other materials. The operator shall maintain the operational plan for as long as collection operations are planned and for at least one year after: a collection event occurs, a permanent collection center has closed, or other types activities conducted under this subchapter cease.

(c) The operator shall provide the operational plan to the executive director upon request.

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§335.407. Training Requirements.

(a) The operator shall ensure that all individuals conducting activities under this subchapter have been trained in a manner that is appropriate to their duties, using any appropriate combination of training courses as well as the operational plan as a reference for program-specific training. The training must be specific to the operation of the collection event, permanent collection center, mobile collection unit, point of generation pick-up service, or any combination of these for which the individual will have duties. The operator shall ensure that appropriate training is provided to all staff, contractors, and volunteers who participate in the collection, aggregation, storage, or transportation of household hazardous waste and in running operations to make useable materials available for reuse.

(b) The operator shall ensure that training is provided before individuals collect, aggregate, store, or transport household hazardous waste for reuse, recycling, processing, or disposal. The operator shall ensure that all training requirements under this subchapter are met for the individuals performing or responsible for specific duties. The operator shall ensure that volunteers are appropriately trained on the site rules and safety issues related to the operation prior to assisting with any collection.

(c) The training must cover any applicable training requirements in federal and state laws and regulations including:

(1) requirements of the federal Occupational Safety and Health Administration that are pertinent to duties in handling hazardous materials, responding to spills, and other activities;

(2) requirements of the Texas Hazard Communication Act, Texas Health and Safety Code, Chapter 502;

(3) requirements of the United States Department of Transportation for preparing and packaging wastes for transportation that are applicable to the specific work and operation, as specified in this subchapter; and

(4) requirements of EPA regulations at 40 Code of Federal Regulations §265.16.

(d) The operator shall ensure that individuals who handle household hazardous waste after it is unloaded from vehicles delivering it from households and before it is segregated for transport or storage are trained under the requirements of this chapter as if the waste were hazardous wastes.

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§335.409. Operation of Collection Events and Permanent Collection Centers.

(a) Location and site setup. The operator shall locate, organize, and operate a collection event or permanent collection center in a manner that safeguards the public health and welfare, physical property, and

the environment. At a minimum, for any collection event, permanent collection center, or site where mobile collections units are used, the operator shall:

(1) locate the collection based on the types and quantities of waste to be collected and suitability of the site for collecting the waste;

(2) organize the activities on site in a way that allows incoming wastes to be sorted upon arrival and placed in a controlled area for packaging;

(3) provide an area, not generally accessible to the public, for sorting, packaging, and handling waste that is accepted;

(4) provide parking for the public and for essential project vehicles and queuing for vehicles waiting to offload wastes so as not to interfere with the safe entry and exit of traffic or cause traffic congestion on roads near the site;

(5) prepare for inclement weather, including provisions for sheltering personnel at or near the site during storms;

(6) designate eating, drinking, and smoking areas for personnel working at the event, area, site, or center (the operator shall prohibit such activities in the collection work area); and

(7) keep incompatible wastes separated, including unidentified wastes, prior to and after packaging for further storage or transport;

(b) Personnel and training. The operator shall ensure that personnel who work at a collection event or the permanent collection center are trained to use and follow the operational plan in conducting collection, storage, processing and disposal, and reuse activities. In addition, the operator shall ensure that the following provisions are met:

(1) Personnel who sort and package waste for transport to a hazardous waste facility and who directly oversee and supervise these activities on site must be trained and knowledgeable concerning the incompatibility of various classes of waste and qualified to package waste for transport;

(2) At every collection event and permanent collection center, at least one person trained to classify hazardous waste and competent to perform tests to identify characteristics of hazardous waste (e.g., pH, flammability, etc.) must be utilized to accept or supervise the acceptance of waste;

(3) Personnel handling waste must be instructed in accident prevention; emergency response to fires, explosions, and spills; the proper use of fire extinguishers appropriate to the materials that will be accepted; and the use of protective devices (such as respiratory gear and gloves) to minimize exposure to the household hazardous waste and other materials that would be accepted in the collection;

(4) Packaging and labeling of waste must be supervised by an individual familiar with the United States Department of Transportation (DOT) hazardous materials packaging, placarding, labeling, shipping, and hazardous waste manifest requirements;

(5) At least one person must be on site at times when wastes are handled who is trained to perform general first aid and who is knowledgeable concerning safety measures to be taken in the event of accidental contact with household hazardous waste or other hazardous materials presented for collection; the first aid training must be consistent with courses provided under the auspices of a recognized national safety organization (such as American Red Cross, National Safety Council, etc.) and must be documented with a current certificate;

(6) An on-site supervisor must be available and responsible for initiating an emergency response plan that includes site evacuation procedures. The on-site supervisor also assumes responsibility for accepting any unidentified wastes and insuring proper handling and proper processing or disposal;

(7) The on-site supervisor must have the authority to remove from the site and prohibit re-entry of any person that the supervisor determines may threaten site security or personnel safety;

(8) A collection event or permanent collection center must be manned by an adequate number of individuals who possess the necessary skills and expertise needed to accept, sort, label, and store the waste and to provide on-site supervision and public relations;

(9) When household hazardous waste or other hazardous materials are prepared for transportation, an adequate number of operator or contractor staff must be present and involved who possess the necessary skills and expertise needed to package, store, and manifest the waste; and

(10) At a minimum, all personnel who handle household hazardous waste after it is unloaded from vehicles delivering it from households and before it is segregated for transport or storage will have chemical identification, segregation, and consolidation training and Hazardous Waste Operations and Emergency Response (HAZWOPER) training; all other personnel will have appropriate training pursuant to their duties.

(c) Equipment and materials. The operator shall provide equipment and materials at a collection event or permanent collection center to provide protection, safety and first aid for persons operating the collection, to contain and clean up spills, and to properly handle, classify, store, and label the waste. The operator shall ensure that disposable equipment and materials contaminated during a spill cleanup are handled appropriately for the type of material that was spilled. The operator shall ensure that any contaminated non-disposable equipment and materials are properly decontaminated before removal from the site. At a minimum, the operator shall provide the following equipment and material at every site and vehicle used to collect wastes:

(1) a first aid kit;

(2) a telephone or radio for contacting first responders in the event of a spill, personal injury, etc.;

(3) an eyewash and shower station, or a hosing device;

(4) at least two fire extinguishers appropriate to the wastes accepted; and

(5) sufficient spill containment and absorbent materials to contain a spill of 10% of the anticipated volume of collected liquid waste.

(d) Waste accepted and excluded. The collection program should accept only household wastes. The operator shall take necessary precautions to prohibit the receipt of waste that is defined as a hazardous waste or Class 1 wastes under this chapter. Other requirements related to acceptance or exclusion of wastes are as follows:

(1) The operator shall ensure that a chemist or trained individual knowledgeable in chemical characteristics and incompatibilities identifies any unidentified waste accepted before packaging the waste for transport. Wastes that cannot be identified by the generator or his representative when delivered or through physical assessment by qualified staff may not be packaged until the waste has been analyzed and the appropriate chemical class has been identified.

(2) Announcements and promotional material must state which types of wastes will be accepted and which types of waste will not be accepted at the collection event or permanent collection center. The operator shall provide information to potential participants prior to a collection event or the opening of a permanent collection center and at least annually during the period that a permanent collection center operates. The information provided must include all relevant instructions on the following issues, as well as any other appropriate information that may be useful to the public:

(A) the types and quantities of wastes that will be accepted and that will not be accepted;

(B) instructions for safely packaging and transporting wastes to the collection;

(C) the days and hours of operation and location of the collection site; and

(D) eligibility criteria for who can bring wastes.

(3) The operator shall ensure that waste acceptance decisions are based on the capabilities of the personnel collecting, sorting, and packaging the waste. A generic list of proposed wastes to be accepted and those that will be prohibited must be included in the operational plan. The list must be developed with the intent of minimizing the need for chemical analysis of unidentified wastes.

(4) Empty hazardous material and pesticide containers from households may be disposed of as nonhazardous waste if they are rendered unusable before leaving the collection event or permanent collection center.

(e) Temporary storage. The operator shall ensure that storage areas at a collection event or permanent collection center are operated and maintained so as to provide safe handling and storage of waste awaiting final disposition. The operator shall secure a collection event or permanent collection center to control access by the public. When storing aggregated household hazardous waste:

(1) An operator may not store aggregated household hazardous waste longer than 10 days except under one of the conditions described in subparagraphs (A) – (C) of this paragraph.

(A) The storage facility is an authorized hazardous waste processing, storage, or disposal facility;

(B) The operator requests in writing and obtains a storage time extension from the executive director. The request for an extension must state the reason that waste needs to be stored longer than ten days, the earliest date that the hazardous household waste currently on site was received, and the expected date that the waste will be shipped to a recycling facility or a hazardous waste processing, storage, or disposal facility; or

(C) The operator is operating a permanent collection center, does not accumulate more than 3,000 kilograms of household hazardous waste, and does not store the waste longer than 180 days;

(2) If wastes are stored in original individual containers as received from the public rather than in a proper and correctly labeled shipping container that meets the DOT regulations for hazardous materials in transportation, the operator shall ensure

(A) that all complete, legible, and correct labels are maintained on individual containers received from the public;

(B) that, if the label on any container of waste received from the public is missing, defaced, or incorrect, information needed for safe storage, transportation, and processing or disposal is marked on that container; at a minimum, this required information must cover all information required by the DOT regulations for hazardous materials in transportation; and

(C) that the date of acceptance of each individual container from the generator is placed on that container.

(3) If wastes are properly prepared for transportation and stored in proper shipping containers that are labeled consistent with the DOT regulations for hazardous materials in transportation, the individual containers received from the public do not need to be marked.

(4) The operator shall maintain records of all stored, processed, or disposed household hazardous wastes for at least one year after shipment of the waste including all the information necessary to complete manifests for the wastes. (Copies of manifests may be used in lieu of a separate record.)

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§335.411. Operation of Point of Generation Pick-up Service and Mobile Collection Units.

(a) Point of generation pick-up service. An operator offering point of generation pick-up service for household hazardous waste that has been segregated from other household waste shall:

(1) develop and implement a collection program that minimizes the potential for human and animal exposure to such waste (unless the pick-up procedures involve personal contact with the generator, the operator shall provide instructions to households on details of packaging, labeling, securing, and any other

procedures to safeguard humans and animals and to protect the environment from the wastes left out for pick up);

(2) provide information to potential participants prior to collections. The information provided must include all relevant issues on the following topics, as well as any other appropriate information that may be useful to the public:

- (A) the information required in paragraph (1) of this subsection;
- (B) eligibility criteria for who can participate in the program;
- (C) the types and quantities of wastes that will be and will not be accepted; and
- (D) the method households are to use for arranging pickup of their wastes;

(3) organize and operate the collections so as to safeguard the public health and welfare, physical property, and the environment;

(4) have available in each vehicle used for the point of generation pick-up service the following equipment:

- (A) a first aid kit;
- (B) a fire extinguisher appropriate to the wastes accepted;
- (C) a means of communication to summon emergency assistance and the information needed for its use; and
- (D) sufficient absorbent to contain a spill of ten percent of the maximum quantity of liquid wastes that the vehicle is designed to hold;

(5) have a person in each collection vehicle who has experience and training in handling hazardous waste, the proper use of fire extinguishers, first aid, waste classification, waste incompatibility, spill prevention, and clean-up safety;

(6) if unknown wastes will be accepted, ensure that the wastes are properly identified and meet one of the following requirements:

- (A) have available on the collection vehicle all necessary testing equipment and a person qualified to identify the wastes prior to placing the wastes on the collection vehicle; or
- (B) have a method in place on the collection vehicle of isolating separately in a secure manner each container of unknown waste until delivery to a collection event or permanent collection center where the waste(s) will be characterized prior to aggregating with other wastes, if this method is consistent with the United States Department of Transportation (DOT) requirements for hazardous material in transportation.

(b) Mobile collection unit. In addition to the requirements of §335.409 of this title (relating to Operation of Collection Events and Permanent Collection Centers), an operator using one or more mobile collection units to collect household hazardous waste shall:

(1) develop and implement a collection program that minimizes the potential for human exposure to or environmental harm from such waste during collection, storage, and transport;

(2) have at least one person at each collection who has experience and training in handling hazardous waste, the proper use of fire extinguishers, first aid, waste classification, waste incompatibility, spill prevention, and clean-up safety;

(3) maintain on a mobile collection unit involved with a collection the following equipment:

(A) a first aid kit;

(B) a fire extinguisher appropriate to the wastes accepted;

(C) a eye wash and emergency shower or a hosing device;

(D) a means of communication to summon emergency assistance; and

(E) sufficient absorbent and containment to contain a spill of ten percent of all liquid wastes on the largest mobile collection unit at the collection;

(4) if unknown wastes will be accepted, ensure that the wastes are properly identified and meet one of the following requirements:

(A) have available on the mobile collection unit all necessary testing equipment and a person qualified to identify the wastes prior to placing the wastes on the unit; or

(B) have a method in place on the mobile collection unit of isolating separately in a secure manner each container of unknown waste until delivery to a collection event or permanent collection center where the waste(s) will be characterized prior to aggregating with other wastes, if this method is consistent with the DOT requirements for hazardous material in transportation; and

(5) if the mobile collection unit is used to transport household hazardous waste to a hazardous waste processing, storage, or disposal facility, register the mobile collection unit as a transporter and manifest the aggregated household hazardous waste, or ship the household hazardous waste as universal waste if allowed under Subchapter H, Division 5 of this chapter (relating to Universal Waste Rule);

(c) Point of generation pick-up service or mobile collection unit. The operator of a point of generation pick-up service or mobile collection unit shall also:

(1) comply with the personnel requirements in §335.409(b) of this title;

(2) comply with the waste acceptance and exclusion requirements in §335.409(d) of this title;

(3) comply with the temporary storage requirements in §335.409(e) of this title; and

(4) within 72 hours of receipt from the public, deliver collected household hazardous waste to a permanent collection center, collection event, or registered hazardous waste transporter facility to be aggregated with other household hazardous waste, or have the household hazardous waste transported by a transporter that meets the requirements in §335.415 of this title (relating to General Requirements for Transporters) to a hazardous waste processing, storage, or disposal facility that is authorized to accept household hazardous waste that has agreed to accept the wastes or as universal waste if allowed under Subchapter H, Division 5 of this chapter.

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Effective July 31, 2008

§335.413. General Shipping, Manifesting, Recordkeeping, and Reporting Requirements.

(a) Except for those collected reusable materials handled in accordance with the requirements of §335.419 of this title (relating to Reuse of Collected Material) and wastes received at the center which are not household hazardous waste, persons who collect, receive, or aggregate household hazardous waste shall:

(1) utilize only hazardous waste transporters who have notified the executive director with respect to transportation of hazardous waste, who have notified the United States Environmental Protection Agency (EPA) of their involvement in transporting hazardous waste, and who have been issued an EPA identification number, for transporting or shipping household hazardous waste from a collection event or permanent collection center, except for household hazardous waste that is shipped as universal waste under the provisions of Subchapter H, Division 5 of this chapter (relating to Universal Waste Rule), and except in cases where aggregated household hazardous waste is shipped to another permanent collection center for the purpose of consolidating aggregated household hazardous waste;

(2) ship, using a uniform hazardous waste manifest or following the universal waste rules if appropriate to the type(s) of waste(s) being shipped, household hazardous waste from a collection event or permanent collection center only to receivers that are permitted as hazardous waste processing, storage, or disposal facilities with authorization to receive household hazardous waste and that have agreed to accept the waste, except in cases where aggregated household hazardous waste is shipped to another permanent collection center for the purpose of consolidating aggregated household hazardous waste;

(3) package and label household hazardous waste so as to apply the applicable United States Department of Transportation requirements and the requirements contained in §335.10 of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Hazardous Waste or Class 1 Waste and Primary Exporters of Hazardous Waste) to the household hazardous waste as if it was hazardous waste; and

(4) retain for at least one year from the date of shipment copies of all manifests and bills of lading utilized for the shipment of household hazardous waste, and make the records available to the executive director upon request;

(b) For all wastes received and materials offered for reuse, an operator shall:

(1) report annually to the executive director by April 1st for the previous calendar year the amount of household hazardous waste and other wastes received, including materials offered for reuse and those transferred to another operator, using a form provided by the agency; and

(2) ensure that all wastes received are properly processed or disposed under all federal, state, and local requirements that are applicable to the specific waste; if materials offered for reuse are later shipped for processing or disposal without having been transferred to another person, the materials must be processed or disposed as required for household hazardous waste if they have any characteristic of hazardous waste.

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§335.415. General Requirements for Transporters.

(a) A person may not transport household hazardous waste required by this subchapter to be accompanied by a uniform hazardous waste manifest, unless such person:

(1) has notified the executive director with respect to hazardous waste transportation activities in accordance with the requirements contained in §335.6(d) of this title (relating to Notification Requirements);

(2) has notified the EPA as to his or her transporter status, and has been issued an United States Environmental Protection Agency (EPA) identification number;

(3) applies the requirements outlined in §335.11 of this title (relating to Shipping Requirements for Transporters of Hazardous Waste or Class 1 Waste) to all manifested household waste as if it was hazardous waste;

(4) applies the requirements outlined in §335.14 of this title (relating to Recordkeeping Requirements Applicable to Transporters of Hazardous Waste or Class 1 Waste) to all manifested household waste as if it was hazardous waste; and

(5) applies the requirements of §335.4(1) - (3) of this title (relating to General Prohibitions) to all household hazardous waste accepted or handled as if it was hazardous waste.

(b) A transporter who is engaged in a point of generation pick-up service of household hazardous waste, who operates or intends to operate any household hazardous waste collection event, mobile collection unit, or a permanent collection center, or who otherwise handles or accepts household hazardous waste from households or the public, shall comply with all the applicable requirements of this subchapter set forth for operators and shall keep all household hazardous waste accumulated separate and apart from hazardous waste or Class 1 waste, as defined in this chapter, which is accumulated at a transporter's facilities.

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§335.417. General Requirements for Processing, Storage, or Disposal Facilities.

(a) An owner or operator of a hazardous waste processing, storage, or disposal facility may receive in compliance with the permit household hazardous waste shipped under a uniform hazardous waste manifest or as universal waste.

(b) Owners or operators of hazardous waste processing, storage, or disposal facilities may receive household hazardous waste directly from households without meeting any of the other provisions of this subchapter provided that the quantities received are reported to the executive director as described in §335.403(d)(6) of this title (relating to General Requirements for Household Hazardous Waste Collections).

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§335.419. Reuse of Collected Material.

Any material collected or accepted by a collector or operation in its original container with a legible label or that is otherwise readily identifiable and which has been determined by the collector or operator to be in a usable condition may be removed from the aggregated household hazardous waste and provided to a person for use. Storage of materials offered for reuse is not subject to the requirements of this subchapter. If any reusable material is shipped for processing or disposal without having been transferred to another person, the operator shall ensure that the material is processed or disposed as household hazardous waste under the requirements of this subchapter if it meets the definition of household hazardous waste in §335.402(6) of this title (relating to Definitions).

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