



Air Resources Board



Linda S. Adams
Secretary for
Environmental Protection

Mary D. Nichols, Chairman
9480 Telstar Avenue, Suite 4
El Monte, California 91731 www.arb.ca.gov

Arnold Schwarzenegger
Governor

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Mail-Out #MSC 08-24

TO: ALL CALIFORNIA WASTE HAULER FLEETS
OTHER INTERESTED PARTIES

SUBJECT: EXEMPTION OF HAZARDOUS WASTE UNDER THE FLEET RULE FOR
SOLID WASTE COLLECTION VEHICLES

The purpose of this advisory is to clarify the definition of residential and commercial solid waste as it relates to hazardous waste and hazardous waste haulers. The Fleet Rule for Solid Waste Collection Vehicle (SWCV Rule), [Section 2021.2(b)] defines residential and commercial solid waste as:

“All putrescible and nonputrescible solid, and semisolid wastes, including garbage, trash, refuse, rubbish, ashes, yard waste, recyclable materials, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes originating from single-family or multiple family dwellings, stores, offices, and other commercial sources, and construction and demolition projects in residential and commercial zones, not including hazardous, radioactive, or medical waste.”

Pursuant to this definition, hazardous waste is excluded from the SWCV rule. However, ARB recognizes that based on the nature of the material being hauled, characterization to determine the appropriate disposition (i.e. Class I, II or III) of the waste is often determined just prior to the material being hauled to a landfill. Based on the sampling results, the waste may be classified and hauled as either hazardous or non-hazardous. Because of the uncertain nature of this determination, a hazardous waste hauler often has no ability to know whether a particular load will be classified as hazardous or non-hazardous, thus complicating their ability to comply with the SWCV rule.

To address this, ARB has determined that waste haulers operating exclusively as a hazardous waste hauler are not subject to the SWCV Rule, but will be subject to the Air Resources Board's (ARB) proposed Statewide Truck and Bus Regulation. This regulation is scheduled to be presented to the Air Resources Board (ARB) in December 2008 for approval. For more information on this proposed regulation, go to <http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

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 website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

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To be excluded from the SWCV Fleet Rule as a hazardous waste hauler, the owner or operator must possess a Hazardous Waste Transporter Registration Certificate (Certificate) and submit a copy to ARB upon request. ARB further recommends the owner/operator maintain a copy of the Certificate in the affected vehicles.

Should you have any questions regarding this advisory, please contact Ms. Kathleen Mead, Manager, Retrofit Implementation Section, at (916) 324-9550 or kmead@arb.ca.gov.

Sincerely

/s/

Robert H. Cross, Chief
Mobile Source Control Division

Cc: Erik White, Branch Chief
Heavy Duty Diesel In-use Strategies Branch

Ms. Kathleen Mead, Manager
Retrofit Implementation Section