

Department of Toxic Substances Control Issues Advisories on Management of Hazardous Waste During COVID-19 Pandemic

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California's Department of Toxic Substances Control ("DTSC") recently issued two advisory documents on management of hazardous waste during the Coronavirus pandemic. According to DTSC, the advisories are intended to provide guidance and recommendations on compliance for the regulated community during the COVID-19 pandemic.

The first advisory document is intended for hazardous waste generators, transporters, electronic waste handlers, and tiered permit facilities. The advisory makes it clear that regulated entities must continue to comply with all legal requirements. If compliance is not possible, the regulated entity should document the requirement that cannot be met, the events leading to delay or inability to comply, and the steps taken to return to compliance. According to DTSC, this information may be used to decide whether to use its enforcement discretion when deciding to pursue violations caused by COVID-19 related disruptions. The advisory also provides direction for hazardous waste generators that require a pandemic-related extension to their accumulation time period. The full advisory document is available here: https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/04/DTSC-EERD-COVID-19-Guidance_4-06-20_a.pdf

DTSC's second advisory document is intended for permitted Treatment, Storage and Disposal Facilities ("TSDFs"). The advisory indicates that permitted TSDFs should continue to comply with permits to the extent possible and take all reasonable steps to minimize releases into the environment. The department warns that TSDFs must report all instances of noncompliance to DTSC and take measures to return to compliance as quickly as possible. Anticipated noncompliance should be reported in advance, and all efforts to return to compliance should be documented. As noted above, DTSC may consider this information in deciding whether to pursue enforcement on pandemic-related violations. The full advisory document is available here: https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/04/DTSC-Permitting-COVID-19-Guidance_4-7-20_a.pdf

Hartman King PC has decades of experience cumulatively representing hazardous waste generators, handlers, transporters, permitted facilities, and TSDFs. If you would like more information about how to comply with California's Hazardous Waste Control Law, please contact us at Contact@HartmanKingLaw.com.

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#COVID-19 #coronavirus #environmentalattorneys

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