

Introduced by Senator Sher

February 22, 2001

An act to amend Sections 25159, 25159.5, 25159.6, 25159.7, 25159.8, and 25159.9 of the Health and Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 470, as introduced, Sher. Hazardous waste control: federal act.

Existing hazardous waste control laws provide for a state hazardous waste program in lieu of the federal program pursuant to specified provisions of the federal Resource Conservation and Recovery Act of 1976 (RCRA). Existing law requires the Department of Toxic Substances Control to conform its standards and regulations with the federal regulations adopted pursuant to RCRA and provides that those federal regulations shall be deemed to be regulations of the department, except as specified. The term "federal act" is defined in the hazardous waste control law to mean RCRA.

This bill would make technical changes in those provisions to utilize that definition and would make other nonsubstantive technical changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25159 of the Health and Safety Code is
- 2 amended to read:
- 3 25159. The department shall adopt and revise when necessary
- 4 regulations ~~which~~ *that* will allow the state to receive and maintain
- 5 authorization to administer a state hazardous waste program in lieu



1 of the federal program pursuant to Section ~~3006~~ 6926 of Public
2 Law 94-580, as amended (~~42 U.S.C. Sec. 6926~~) *the federal act*.
3 When reviewing a regulation adopted pursuant to this section, the
4 Office of Administrative Law shall not review the regulation for
5 nonduplication, notwithstanding paragraph (6) of subdivision (a)
6 of Section 11349.1 of the Government Code.

7 SEC. 2. Section 25159.5 of the Health and Safety Code is
8 amended to read:

9 25159.5. (a) In adopting or revising standards and
10 regulations pursuant to this chapter, the department shall, insofar
11 as practicable, make the standards and regulations conform with
12 corresponding regulations adopted by the Environmental
13 Protection Agency pursuant to the ~~Resource Conservation and~~
14 ~~Recovery Act of 1976, as amended, (42 U.S.C. Sec. 6901 et seq.)~~
15 *federal act*. This section does not prohibit the department from
16 adopting standards and regulations ~~which~~ *that* are more stringent
17 or more extensive than federal regulations.

18 (b) Until the state program is granted final authorization by the
19 Environmental Protection Agency pursuant to Section 6926 of
20 Title 42 of the United States Code, all regulations adopted pursuant
21 to the ~~Resource Conservation and Recovery Act of 1976, as~~
22 ~~amended, (42 U.S.C. Sec. 6901 et seq.)~~ *federal act* shall be
23 deemed to be the regulations of the department, except that any
24 state statute or regulation which is more stringent or more
25 extensive than a federal regulation shall supersede the federal
26 regulation.

27 SEC. 3. Section 25159.6 of the Health and Safety Code is
28 amended to read:

29 25159.6. Until ~~such time as~~ the department adopts standards
30 and regulations corresponding to, and equivalent to, or more
31 stringent or extensive than, regulations adopted by the ~~United~~
32 ~~States~~ Environmental Protection Agency pursuant to Sections
33 ~~3002, 3003, 3004, 3005 and 3006 of Public Law 94-580, as~~
34 ~~amended 6922 to 6926, inclusive, of Title 42 of the United States~~
35 *Code*, the following shall apply:

36 (a) Any person who produces a waste ~~which~~ *that* is a hazardous
37 waste as defined by Section 25117 shall comply with this chapter
38 and regulations adopted ~~thereunder~~ *pursuant to this chapter* and,
39 in addition, to the extent that the waste is both hazardous, as
40 defined by regulations adopted pursuant to Section ~~3001 of the~~



1 ~~Resource Conservation and Recovery Act, as amended (P.L.~~
2 ~~94-580) 6921 of Title 42 of the United States Code, and has not~~
3 ~~been excluded from regulation pursuant to that section, the person~~
4 ~~shall also comply with federal regulations adopted pursuant to~~
5 ~~Section 3002 of that federal act 6922 of Title 42 of the United~~
6 ~~States Code.~~

7 (b) Any person who transports a waste ~~which~~ *that* is a
8 hazardous waste ~~as defined by Section 25117~~ shall comply with
9 this chapter and regulations adopted ~~thereunder~~ *pursuant to this*
10 *chapter* and, in addition, to the extent that ~~such~~ *the* waste is both
11 hazardous, as defined by regulations adopted pursuant to Section
12 ~~3001 of the Resource Conservation and Recovery Act, as amended~~
13 ~~(P.L. 94-580) 6921 of Title 42 of the United States Code, and has~~
14 ~~not been excluded from regulation pursuant to that section, the~~
15 ~~person shall also comply with federal regulations adopted~~
16 ~~pursuant to Section 3003 of that act 6923 of Title 42 of the United~~
17 ~~States Code.~~

18 (c) Any person who owns or operates a hazardous waste facility
19 shall comply with this chapter and regulations adopted ~~thereunder~~
20 *pursuant to this chapter* and, in addition, to the extent that the
21 facility is defined as a hazardous waste facility in regulations
22 adopted under the ~~Resource Conservation and Recovery Act, as~~
23 ~~amended (P.L. 94-580) federal act, and to the extent that the waste~~
24 ~~is both hazardous, as defined by regulations adopted pursuant to~~
25 ~~Section 3001 of that act 6921 of Title 42 of the United States Code,~~
26 ~~and has not been excluded from regulation pursuant to that section,~~
27 ~~such that~~ *that* person shall also comply with federal regulations
28 adopted pursuant to Sections ~~3004 and 3005 of that act 6924 and~~
29 ~~6925 of Title 42 of the United States Code.~~

30 SEC. 4. Section 25159.7 of the Health and Safety Code is
31 amended to read:

32 25159.7. The department is authorized to carry out all
33 hazardous waste management responsibilities imposed or
34 authorized by ~~Public Law 94-580, as amended, Public Law 96-510~~
35 ~~(the federal act, and the Comprehensive Environmental Response,~~
36 ~~Compensation, and Liability Act of 1980) (42 U.S.C. Sec. 9601 et~~
37 ~~seq.), and including any subsequent amendments of these federal~~
38 ~~acts, and any regulations adopted pursuant to these federal acts.~~

39 SEC. 5. Section 25159.8 of the Health and Safety Code is
40 amended to read:



1 25159.8. Nothing in this chapter shall be construed as
2 prohibiting the furnishing of trade secret information to the ~~federal~~
3 Environmental Protection Agency to the extent required by law to
4 obtain and maintain interim and final authorization to implement
5 the state hazardous waste program in lieu of the federal program
6 under the ~~Resource Conservation and Recovery Act of 1976, P.L.~~
7 ~~94-580, as amended (42 USC 6901 et seq.)~~ *federal act*. If the
8 department has received a written claim that particular
9 information furnished to the ~~EPA~~ *Environmental Protection*
10 *Agency* is trade secret information, the department shall so inform
11 the ~~EPA~~ *Environmental Protection Agency*.

12 SEC. 6. Section 25159.9 of the Health and Safety Code is
13 amended to read:

14 25159.9. Notwithstanding any other provision of law, the
15 department may make available to the ~~federal~~ Environmental
16 Protection Agency, or any other federal agency, any and all
17 information necessary to be furnished to these agencies in order to
18 comply with the ~~Resource Conservation and Recovery Act of~~
19 ~~1976, Public Law 94-580, as amended (42 U.S.C. Sec. 6901 et~~
20 ~~seq.)~~ *federal act* in order to obtain and maintain authorization to
21 administer the state hazardous waste program in lieu of the federal
22 program. The sharing of information between the department and
23 a federal agency pursuant to this section shall not constitute a
24 waiver by the department or any affected person of any privilege
25 or confidentiality of the information provided by law.

