

AMENDED IN SENATE JUNE 16, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2657

Introduced by Assembly Member Nunez

February 20, 2004

~~An act to add and repeal Chapter 2 (commencing with Section 42100) of Part 3 of Division 30 of the Public Resources Code, relating to solid waste. An act to add Chapter 2 (commencing with Section 42100) to Part 3 of Division 30 of the Public Resources Code, relating to metal plating facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2657, as amended, Nunez. ~~Solid waste reduction: small business~~ *Metal plating facilities.*

The California Integrated Waste Management Act of 1989 establishes a comprehensive program implemented by the California Integrated Waste Management Board and local agencies to reduce, recycle, and reuse solid waste in an efficient and cost effective manner.

~~This bill would require the board, until January 1, 2011, to conduct a program to make loans and grants to small businesses that meet certain criteria to undertake projects that reduce the amount of solid waste generated by a business or lessen the hazardous properties of that solid waste. The bill would establish the Small Business Solid Waste Reduction Account in the State Treasury and would require the money in the account to be made available, upon appropriation, to the board to fund the loan and grant program. California Environmental Protection Agency to establish and coordinate an Interagency Metal Plating Task Force, and to take specified actions with respect to the~~

regulation of the metal plating industry, as prescribed. The bill would create the Chromium Multi-media Hazardous Waste Reduction Fund in the State Treasury, and would require that the money in the account be expended by the agency to support the task force’s activities and to make loans to generators for environmental control equipment.

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

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

1 ~~SECTION 1. Chapter 2 (commencing with Section 42100) is~~
 2 SECTION 1. (a) *The Legislature hereby finds and declares*
 3 *all of the following:*
 4 (1) *Metal plating facilities are establishments primarily*
 5 *engaged in all types of electroplating, plating, anodizing,*
 6 *coloring, and finishing of metals and formed products for the*
 7 *trade.*
 8 (2) *Most metal platers are small businesses that provide*
 9 *support to other larger industries. Facilities conducting metal*
 10 *plating activities include everything from small, low-volume*
 11 *operations like jewelry repair shops to high-volume production*
 12 *line applications. The automotive, electronics, machine*
 13 *equipment, and defense industry are the four largest industry*
 14 *segments served by metal platers.*
 15 (3) *The Department of Toxic Substances Control has identified*
 16 *approximately 875 metal plating facilities in the State of*
 17 *California, 67 percent of which are located in the five county Los*
 18 *Angeles area, the largest concentration of metal platers anywhere*
 19 *in the United States.*
 20 (4) *There are also large numbers of metal platers in the San*
 21 *Francisco Bay area, San Diego, and the Central Valley regions of*
 22 *the state.*
 23 (5) *The data indicates that 94 percent of the Legislature, 113 of*
 24 *the 120 members, have at least one metal plater in their district,*
 25 *and over one-third of the state’s legislative districts house at least*
 26 *10 facilities.*
 27 (6) *There is not a complete inventory of facilities in the state*
 28 *including locations and proximity to sensitive receptors. Different*
 29 *regulatory agencies cite different numbers and there is no central*
 30 *database for locations or violations.*



1 (7) *The metal plating process significantly impacts the*
2 *environment, including, air, water, and soil, in a very intensive*
3 *manner. The chemical processes used in metal plating involve the*
4 *use of various toxic materials, and generate significant amounts*
5 *of solid and hazardous waste.*

6 (8) *Hexavalent chromium, a chemical compound intrinsic to*
7 *the chrome plating process, is a known human carcinogen. It is*
8 *also one of the most potent toxic air contaminants for which there*
9 *is no safe threshold exposure level.*

10 (9) *The metal plating industry is regulated by a host of federal,*
11 *state, and local agencies including the United States*
12 *Environmental Protection Agency, the State Air Resources Board,*
13 *the State Water Resources Control Board, the Department of Toxic*
14 *Substances Control, California regional water quality control*
15 *boards, regional air quality management districts, Certified*
16 *Unified Program Agencies (CUPAs), and Publicly Owned*
17 *Treatment Works (POTWs).*

18 (10) *The complexity of metal plating operations requires a*
19 *coordinated regulatory and mitigation approach. Existing*
20 *enforcement efforts are inadequate largely due to budgetary*
21 *constraints and the lack of coordination between the various*
22 *regulatory agencies.*

23 (11) *Within the last few months, the Los Angeles District*
24 *Attorney charged four facilities in the Los Angeles area with*
25 *environmental health and safety violations. Two of these facilities*
26 *were located near elementary schools or day care centers.*

27 (12) *Throughout the state, metal plating facilities are located*
28 *on land that has been zoned for those facilities; however, even*
29 *when operating within compliance levels, the presence of those*
30 *metal platers poses significant problems.*

31 (13) *Many metal plating facilities are located in communities*
32 *of color and in close proximity to “sensitive receptors.” For*
33 *example, three out of four schools in the Los Angeles area are*
34 *located near metal plating facilities.*

35 (14) *The metal plating industry’s inability to access capital for*
36 *environmental improvements and investments has been identified*
37 *by the United States Environmental Protection Agency as one of*
38 *its biggest obstacles in meeting and exceeding current*
39 *environmental requirements.*



1 (15) There is a need to educate the metal plating community on
 2 new technologies and better operating practices, as well as
 3 changing regulations.

4 (b) The Legislature hereby further declares that it is in the best
 5 interest of the people of California and the communities involved
 6 to address the various environmental issues posed by the metal
 7 plating industry while preserving its economic vitality.
 8 Specifically, funds should be provided to support various
 9 environmental compliance, technology procurement, pollution
 10 prevention, and emission reduction measures.

11 SEC. 2. Chapter 2 (commencing with Section 42100) is added
 12 to Part 3 of Division 30 of the Public Resources Code, to read:

13
 14 CHAPTER 2. METAL PLATING FACILITIES

15
 16 42100. For purposes of this chapter, the following definitions
 17 apply:

18 (a) "Agency" means the California Environmental Protection
 19 Agency.

20 (b) "Generator" means a borrower pursuant to this chapter or
 21 a party that produces hazardous waste and applies for financial
 22 assistance pursuant to this chapter to reduce hazardous waste as
 23 generated.

24 (c) "Metal plating facility" means an establishment primarily
 25 engaged in all types of electroplating, plating, anodizing,
 26 coloring, and finishing of metals and formed products for the
 27 trade.

28 (d) "Pollution prevention" means the same as source reduction
 29 as defined by subdivision (e) of Section 25244.14 of the Health and
 30 Safety Code.

31 (e) "Sensitive receptor" means residences, schools
 32 (kindergarten to grade 12, inclusive), licensed day care centers,
 33 hospitals, and convalescent homes.

34 42101. The agency shall establish and coordinate an
 35 interagency Metal Plating Task Force. The task force shall do all
 36 of the following:

37 (a) Complete an inventory of metal plating facilities, to include
 38 information on the location of a facility, years in operation, and
 39 any violations of environmental laws and regulations governing
 40 those facilities.



1 (b) Increase inspection and enforcement of metal plating
2 facilities and coordination among regulatory agencies.

3 (c) Establish a loan program for facilities subject to the new
4 South Coast Air Quality Management District Rule 1469, which
5 regulates hexavalent chromium emissions, to purchase high
6 performance environmental control technologies.

7 (d) Establish a grant program for the development of new
8 environmental control and pollution prevention technologies.

9 (e) Develop a protocol for onsite audits of facility compliance
10 and pollution prevention activities.

11 (f) Work with industry associations to develop training
12 programs.

13 (g) Coordinate with interested parties, including
14 environmental and community groups.

15 (h) Adopt buffer zone regulations, prohibiting the future siting
16 of new chrome plating facilities within the vicinity of sensitive
17 receptors.

18 (i) Recommend a long-term approach for the metal plating
19 industry, including assessment of various fees and mechanisms for
20 financial assurance.

21 (j) Report to the Legislature, not later than January 1, 2006, on
22 its progress.

23 42103. (a) There is hereby created in the State Treasury the
24 Chromium Multi-media Hazardous Waste Reduction Fund, for the
25 sole purpose of receiving deposits of state, federal, or local
26 government money, and other public or private money for
27 expenditure by the agency for the purposes of this chapter.

28 (b) The money in the Chromium Multi-media Hazardous Waste
29 Reduction Fund shall be expended by the agency to support task
30 force activities and to make loans to generators for environmental
31 control equipment.

32 42104. (a) The agency shall, before a loan commitment is
33 issued, approve the project to be funded.

34 (b) The agency shall publicize and promote the availability of
35 loan assistance pursuant to this section.

1
2
3
4
5
6
7

All matter omitted in this version of the bill appears in the bill as introduced Assembly, February 20, 2004 (JR 11)

O

