

AMENDED IN ASSEMBLY JANUARY 13, 2010

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1112**

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**Introduced by Assembly Member Blakeslee**

February 27, 2009

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~~An act to add Section 25144.1 to the Health and Safety Code, relating to hazardous waste.~~ *An act to add Section 10707.7 to the Public Contract Code, relating to public contracts.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1112, as amended, Blakeslee. ~~Hazardous waste: management.~~ *Public contracts: California State University: service contracts: foreign countries.*

*Existing law establishes the California State University under the administration of the Trustees of the California State University. Existing law, known as the California State University Contract Law sets forth a process through which contracts for projects, as defined, that are entered into with respect to the California State University may be competitively bid, entered into, and executed.*

*This bill would authorize the trustees to enter into a contract with the government of a foreign country to provide the services of California State University staff or personnel in that foreign country. The bill would require that any contract entered into by the trustees and the government of a foreign country, to the extent permitted by federal law, contain the following clauses: (1) a clause requiring that a contractor and its subcontractors shall be required to maintain a workplace that is free from harassment and discrimination against any employee on*

*the basis of sex, sexual orientation, race, color, ancestry, religious creed, national origin, mental disability, physical disability, medical condition, age, marital status, or use of family care leave, (2) a clause requiring that a contractor and its subcontractors shall provide written assurance that they will comply with specified nondiscrimination laws and regulations in the contract, (3) a clause requiring that a contractor and any subcontractor subject to the requirements of the bill shall provide specified written notice to any labor organizations with which the contractor or subcontractor has a collective bargaining or other labor agreement, and (4) a clause requiring either that the foreign country make a specified waiver or that the contract is subject to specified laws.*

~~Existing law authorizes the Department of Toxic Substances Control to grant a variance from the requirements regulating the management of hazardous waste, if the department makes specified findings. Existing law also requires the department to classify as nonhazardous waste any fly ash, bottom ash, and flue gas emission control residues generated from a biomass combustion process, as specified.~~

~~This bill would require the department, to the extent it does not violate federal law, to classify as nonhazardous waste petroleum contact water and petroleum tank bottoms and sludge, as defined.~~

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. Section 10707.7 is added to the Public Contract
- 2     Code, to read:
- 3     10707.7. (a) The trustees may enter into a contract with the
- 4     government of a foreign country to provide the services of
- 5     California State University staff or personnel in that foreign
- 6     country. Any contract entered into by the trustees with a
- 7     government of a foreign country pursuant to this section, to the
- 8     extent permitted under federal law, shall contain all of the
- 9     following clauses:
- 10    (1) A clause stating either of the following:
- 11    (A) That the government of the foreign country agrees to waive
- 12    its sovereign immunity with respect to the terms, conditions, and
- 13    execution of the contract.

1 (B) That the contract is subject to the laws of the United States  
2 and California.

3 (2) A clause requiring that a contractor or any of its  
4 subcontractors, or any employee of a contractor or subcontractor,  
5 shall maintain a workplace that is free from harassment and  
6 discrimination against any employee on the basis of sex, sexual  
7 orientation, race, color, ancestry, religious creed, national origin,  
8 mental disability, physical disability, medical condition, age,  
9 marital status, or use of family care leave.

10 (3) A clause requiring that a contractor and any of its  
11 subcontractors shall provide written assurance that it will comply  
12 with the fair employment provisions of the California Fair  
13 Employment and Housing Act (Part 2.8 (commencing with Section  
14 12900) of Division 3 of Title 2 of the Government Code), and its  
15 implementing regulations, and other applicable federal and state  
16 employment nondiscrimination laws.

17 (4) A clause requiring that a contractor or subcontractor shall  
18 provide written notice of any contractual rights or obligations  
19 under this section to any labor organizations with which the  
20 contractor or subcontractor has a collective bargaining or other  
21 labor agreement.

22 (b) The provisions of Article 9 (commencing with Section 10870)  
23 shall not apply to any violations of this section.

24 SECTION 1. ~~Section 25144.1 is added to the Health and Safety~~  
25 ~~Code, to read:~~

26 ~~25144.1. (a) Notwithstanding any other provision of law and~~  
27 ~~to the extent that it does not violate federal law, the department~~  
28 ~~shall classify petroleum contact water and petroleum tank bottoms~~  
29 ~~and sludge as nonhazardous waste.~~

30 ~~(b) For purposes of this section, the following definitions apply:~~

31 ~~(1) "Petroleum contact water" means water containing a~~  
32 ~~petroleum product, including, but not limited to any of the~~  
33 ~~following:~~

34 ~~(A) Condensate from underground and aboveground petroleum~~  
35 ~~tanks.~~

36 ~~(B) Water bottoms or drawdown water removed from a~~  
37 ~~petroleum storage tank system.~~

38 ~~(C) Petroleum tank filler sump and dispenser sump water.~~

39 ~~(D) Recovered product or water in contact with product, which~~  
40 ~~does not contain hazardous constituents other than petroleum, from~~

- 1 ~~first response actions to petroleum spills or from petroleum~~
- 2 ~~contamination site cleanups.~~
- 3 ~~(E) Aboveground petroleum tank seal leakage water.~~
- 4 ~~(F) Pumpable liquids from petroleum tank cleaning operations.~~
- 5 ~~(2) "Petroleum tank bottoms and sludge" means petroleum~~
- 6 ~~product, water, and solids contained in the bottom of a storage~~
- 7 ~~tank of state certified fuel, including the petroleum residue that~~
- 8 ~~remains at the bottom of the tank after all liquids have been~~
- 9 ~~removed.~~